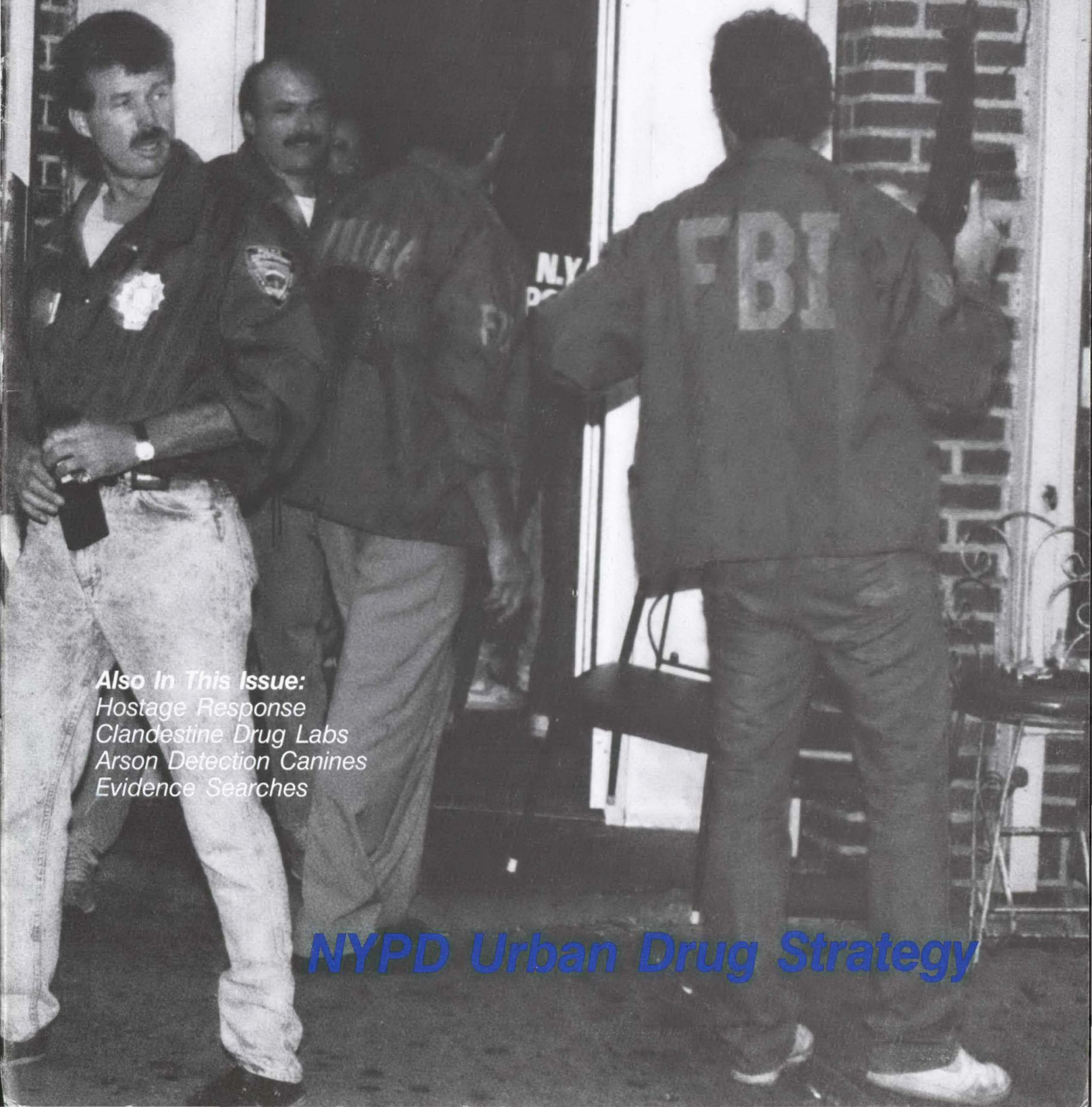




April 1989

FBI

Law Enforcement Bulletin



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Hostage Response
Clandestine Drug Labs
Arson Detection Canines
Evidence Searches

NYPD Urban Drug Strategy

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Law Enforcement Bulletin

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William S. Sessions, Director

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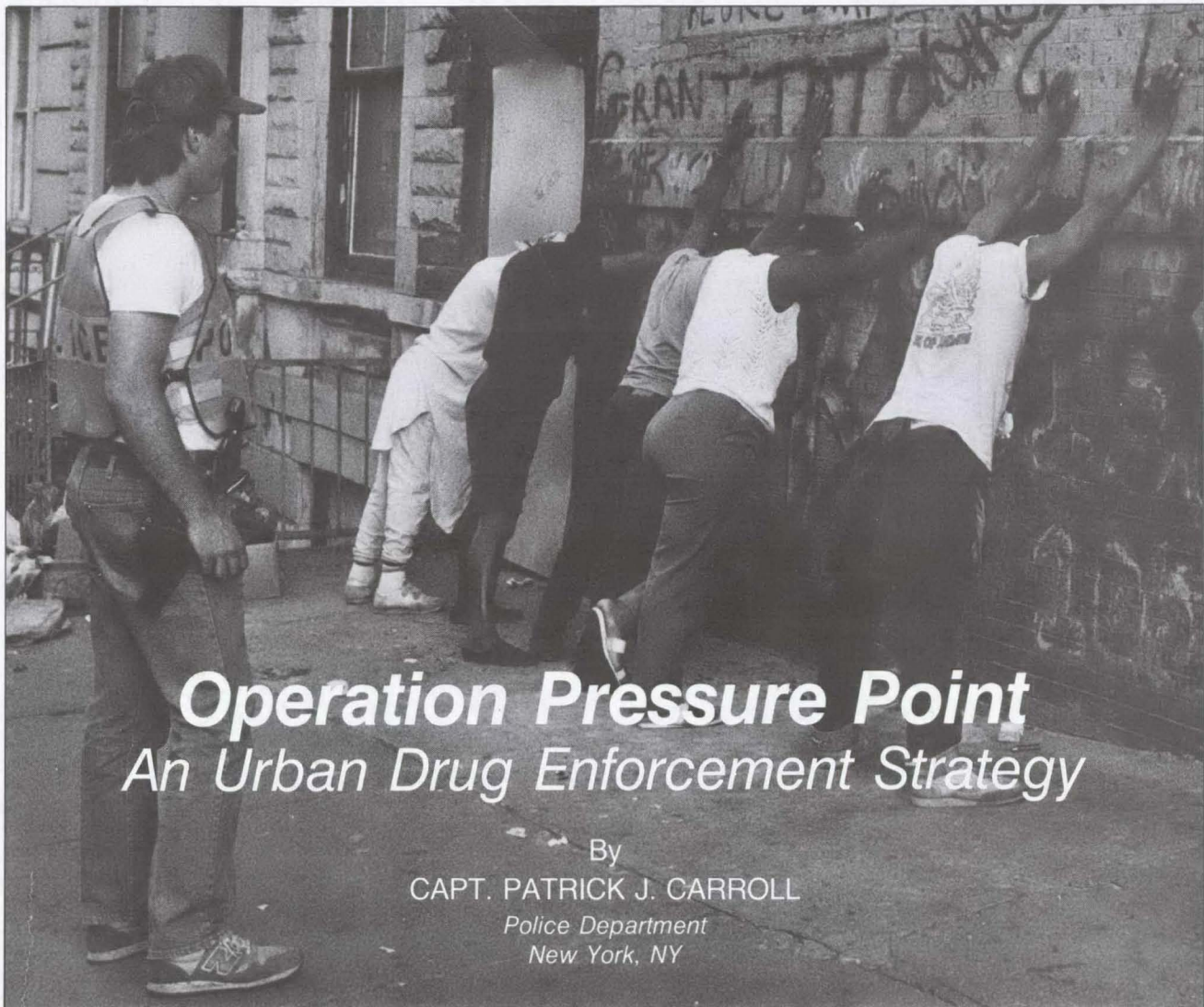
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The Cover: Federal and local law enforcement personnel work together to combat the urban drug epidemic. See article on page 1.

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Operation Pressure Point *An Urban Drug Enforcement Strategy*

By
CAPT. PATRICK J. CARROLL
*Police Department
New York, NY*

Illegal drugs have racked this Nation, and in particular, its inner cities. New York City is no exception. In fact, the Lower East Side of Manhattan, NY, became euphemistically known as "the drug supermarket of the metropolitan area." This occurred because of certain conditions which contributed to flourishing and highly profitable drug transactions. These conditions were a combination of socioeconomic and

demographic factors which attracted an inordinate number of drug dealers and users to the area. For example, it was not unusual to see over 100 customers queuing up at a particular site to buy drugs.

A number-one priority of the police commissioner when he took office was to rid the city of all drug-prone enclaves, starting with the Lower East Side. Accordingly, a multifaceted, law enforcement program code-named Operation

Pressure Point was formulated. This operation would become the most comprehensive law enforcement effort undertaken by a municipal agency to deal with a specific problem.

The plan called for a two-pronged attack. Phase I, the Enforcement Phase, consisted of proactive enforcement of highly visible, uniformed patrols in the most blatant drug-prone segment of the target area. These patrols



Captain Carroll

“

The principles of Pressure Point are applicable whether a community has a small drug problem or a major epidemic.

”

worked in tandem with Narcotics Division plainclothes teams. As each area became stabilized, the units moved on to the next designated area, leaving a small force behind to prevent a recurrence of drug activity.

Phase II, the Neighborhood Involvement Program, was implemented when the entire target area was stabilized and the community demonstrated confidence in the police effort. This phase was designed to stimulate the community to take an active role, in conjunction with the police department, in reclaiming its neighborhood from the drug dealers and users. It involved intensive police-community interaction, education and training for the residents, especially the youth, and a unique referral process for the many resident drug addicts.

Before the operation began, however, extensive groundwork was necessary to prepare all who would be affected by this highly ambitious law enforcement effort. The first step was to alert the entire criminal justice system. Meetings were conducted with the

District Attorney's office, the State's Special Narcotics Prosecutor, the U.S. Attorney's office, the criminal courts, and the Corrections Department. The purpose of these meetings was to solicit their cooperation and input and to advise them of the police department's enforcement strategies and of the impact these strategies would have on their agencies.

Next came the community. We used press releases and the media to publicize the program and to inform residents of a special telephone number to report drug violations. Community leaders were informed of our goals and were asked to help form the nucleus of phase II—the Neighborhood Involvement Program.

The final step in the preparation stage involved defining the roles of all enforcement personnel and providing intensive training and instruction. During the instruction, we explained the overall purpose of Operation Pressure Point and established necessary guidelines to ensure its success. We also emphasized police sensitivity and empathy for a com-

munity that had been besieged by a drug epidemic for a long time.

PHASE I: ENFORCEMENT

Target Area

The target area encompassed 74 drug locations within 3 precincts where illicit drug trafficking was most destructive and which seemed impervious to previous enforcement efforts. These locations became posts. We then determined a priority order to direct our main police attack at those locations. A large task force of uniformed police officers began the operation by saturating and sealing off a small segment of the target area. Vehicular and pedestrian traffic was prohibited except for those with legitimate reasons (to enter a residence or business, etc.).

Our strategy was systematically to drive dealers to other sites, making them more vulnerable to arrest. First, combinations of uniformed and plainclothes officers, aided by police dogs, entered the “vacant” buildings and flushed out both dealers and users. This also made those entering the area to buy drugs more susceptible to arrest. Second, as each designated block became secure, we stationed uniformed officers there to prevent a recurrence of drug sales.

Next, the Housing and Preservation Department sealed up these vacant buildings which had served as havens for dealers and addicts alike. The Department of Sanitation and the Department of Traffic then removed debris and derelict autos. In addition, we towed and impounded those vehicles which were identified as being owned by scofflaws. Fi-

nally, teams of uniformed officers assumed proactive roles while on patrol.

These teams dispersed large groups, prohibited congregating at known drug locations, and actively enforced vehicle and traffic laws in order to discourage drug buyers from entering the neighborhood. Automobiles with out-of-state license plates were particularly scrutinized,¹ because many times the potential buyers in these automobiles were robbed, and in some cases, killed for their drug money.

While each block was being recaptured from the addicts and dealers, the neighboring parks and playgrounds were also being returned to the citizens. Mounted officers, assigned to the parks, patrolled visibly. This high visibility had a very positive effect on the local residents who frequented the parks. They now felt very safe because of the police visibility and because drug transactions were no longer rampant. Even parents could now enjoy these facilities with their children without danger and harassment from "junkies" and derelicts.

Each day, citizens' confidence in the police improved. During the first 2 weeks, Operation Pressure Point personnel averaged 79 arrests per day, 31% of which were for narcotic sales or possession.

A special hotline was set up in the command center to handle citizens' drug complaints. At first, the community was very apprehensive about calling this number to report drug violations because

Table I
OPERATION PRESSURE POINT
Phase I: Enforcement Activity

	<u>1984</u>	<u>Inception to June 1988</u>
Arrests (all)	11,041	36,247
	(3,183 for felony sale of narcotics)	(9,038 for felony sale of narcotics)
Summonses	45,081	125,668
Contraband Seized		
Total Value	\$3,082,835	\$6,995,516
U.S. Currency	\$542,053	\$1,528,079
Vehicles	113	299
Firearms	161	501

Crime Complaints (Target Area)

	<u>1983</u>	<u>1984</u>	<u>1987</u>	<u>83 v 84</u>	<u>84 v 87</u>
Murder	55	20	13	-63.6	-35.0
Robbery	1,348	714	798	-47.1	11.8
Burglary	1,024	644	657	-37.1	2.0
Grand Larceny	1,162	787	558	-32.3	N/A*

*Value which constituted the crime of grand larceny in 1983 was over \$250. Amount increased to over \$1,000 in 1987.

of the fear of reprisals and lack of confidence in the police. Slowly, perceptions began to change. During the first year of operation, the command center received 1,249 telephone tips. In 1987, over 5,200 tips were received, and the first 6 months of 1988 reflected a 28% increase in calls over 1987.

A fleet of at least six marked radio patrol cars was made available each tour to respond to reported street conditions. Because all uniformed and plainclothes personnel were on the same radio frequency, Street Narcotics Enforcement personnel or Narcotics Division undercover officers could be dispatched to locations requiring a more surreptitious approach for success. These phone tips provided vital intelligence information about the movement of dealers and about drug activity which enabled the task force to adjust when dealers moved out of the target area.

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During the first 2 weeks, Operation Pressure Point personnel averaged 79 arrests per day....

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We also established new, special posts and increased our efforts to prevent any new drug operations from becoming entrenched in new locations. When police response could not solve a problem, usually involving a business establishment, the Pressure Point base called upon a municipal task force of inspectors from the Buildings and Health and Environmental Protection Departments to

carefully inspect such locations for existing violations.

Operation Pressure Point so disrupted previously entrenched operations that dealers changed distribution hours, changed drug “brand names” (to make police think they were out of business), moved operations completely, and in some cases, installed an additional level between the street addict and themselves to avoid detection.

We had to adjust accordingly. Uniformed and plainclothes personnel were assigned to off-hours, and arrest teams were positioned to intercept both the dealers and buyers as the drugs were distributed.

Uniformed personnel dispersed groups of addicts and prevented them from reorganizing. This, in turn, forced the lower-level dealers (often addicts supporting their habits) to sell on the street. When this happened, “buy-

way, the team stayed intact to continue the operation.

Federal Day

Another innovative attack against the drug dealers involved special prosecution which became known as “Federal Day.” Once a week, officers of the New York City Narcotics Division would charge those dealers arrested that day with violations of Federal statutes instead of State law. Those arrested were then turned over to the U. S. Attorney’s office for prosecution. This collaborative effort between Federal and State prosecutors to “cross designate” and prosecute drug cases added a new and potent deterrent to drug dealers.

Supervision

One of the operation’s most important features, and a primary reason for its continued success, was the indepth monitoring and supervision provided at all levels of execution. A deputy chief was assigned as project director to oversee and coordinate the entire operation. An inspector was assigned and assisted by the duty captain to monitor patrol activities and oversee the efficient operation of the command center during each tour. The command center, in turn, was supervised by a lieutenant who coordinated the activities of all the assigned supervisory patrol personnel.

The Narcotics Division personnel were directed by a captain, and each team was overseen by a lieutenant. No narcotics unit could be assigned without the physical presence of a sergeant at all times. Complementing the supervision performed by ranking officers in

the field were the Office of Chief of Patrol and the Inspections Division, which also provided daily supervision of the overall staff.

The Command Post

The heart of the operation centered around the command post office. From here, the project director coordinated the activities for all the law enforcement and municipal agencies involved. Daily briefings were held here, all statistical data and intelligence information were also gathered here, and the movement and placement of all police personnel were controlled from here.

Officers at the post also maintained and monitored a recidivist file of all those arrested. This file greatly assisted identifying and tracking drug dealers and putting pressure on the courts to deal effectively and speedily with such repeat offenders. The file also provided information which helped other units, such as the Homicide and Robbery Squads, to solve open cases.

The command post also staffed and supervised a mini central booking facility specifically for Operation Pressure Point arrests. This was not only cost effective but also reduced the number of civilian complaints, corruption allegations, and prisoner suicide attempts.

Results

From January 1984 through December 1984, Operation Pressure Point personnel made 11,041 arrests. These arrests, most of which were drug related, also freed the streets of robbers, thieves, and murderers. In addition, they issued some 45,000

summonses for traffic and Administrative Code violations, most of which were drug related. (See table 1.) This tremendous enforcement activity substantially decreased major crime not only in the target area but also in the surrounding precincts.

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From January 1984 through December 1984, Operation Pressure Point personnel made 11,041 arrests.

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This operation also gave credence to a Justice Department study which found that 79% of people arrested for serious crime tested positive for the recent use of illicit drugs.² It is quite clear that if a city has a major drug problem, its serious crime rates will be high. Thus, it follows that a substantial reduction in drug trafficking should bring a concomitant relief in serious crime, especially homicide, robbery, burglary, and grand larceny.

As of June 1988, Pressure Point personnel had made 36,247 arrests, over 9,000 of which were for felony sale of drugs. This averaged to 25 arrests per day, up from the average of 16 per day realized after the first year of operation. (See table 1.) This increase can be attributed to the current crack epidemic and the increased involvement of the Chinese in the heroin market.

Thus, phase I came to an end. Law enforcement accomplished what it had set out to do: Neutralize rampant drug trafficking in the neighborhood and make it a more viable place to live.³

It was now time for phase II: The Neighborhood Involvement Program. The police department had accomplished all they could on their own. Further inroads would have to involve substantial input by the law-abiding residents of the Lower East Side.

PHASE II: NEIGHBORHOOD INVOLVEMENT PROGRAM (NIP)

Publicity Campaign

Before our joint venture with the community was formally announced, we began a publicity campaign. In cooperation with law enforcement, a citizens' group designed a flyer which explained how to report drug violations to the anonymous hotline number. This flyer was printed in English, Spanish, and Chinese and distributed throughout the community by volunteers. In addition to the flyers, volunteers also placed posters advertising the Operation Pressure Point hotline in most of the businesses throughout the community.

The hotline was linked directly to the command post rather than headquarters to provide rapid response and continuity within the community. All calls were anonymous and logged in for dispatching and tracking purposes. Just 1 year prior, this would have been unthinkable for these local mer-



Members of the NYPD Narcotics Division display contraband from a recent raid.

chants because of the fear of reprisals from the drug dealers.

Community Affairs Officer

To get the most out of community contacts, the number of community affairs officers in each precinct was doubled. This enabled the officers to initiate community meetings and to organize and recruit residents for the Auxiliary Police, the Block Watchers Program, and the tenants associations more effectively. This highly successful Community Patrol Officer Program (CPOP) was put in place in the targeted precincts. In addition, configuring the CPOP beats to conform with Pressure Point posts enhanced community contacts and improved drug-related intelligence gathering. The CPOP officer provided residents with a personalized contact through which they could voice their concerns. These officers,

working with the ad hoc committee, educated and encouraged tenant associations to actively prohibit drug dealers and addicts from using their buildings.

Officers instructed tenants to report all building violations which were conducive to drug

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**... coordinated
enforcement
efforts ... will set the
stage for reversing a
degenerative trend....**

”
trafficking and strongly encouraged landlords to fix locks and secure entrance ways. Officers also fostered vestibule and hallway lighting and urged tenants to identify apartments where drug trafficking was taking place.

School Program

The police department, in cooperation with the New York City Board of Education, also mounted a unique program which added impetus to phases I and II of Operation Pressure Point. The School Program to Educate and Control Drug Abuse (SPECDA) began in September 1984, and employed a dual-track approach to fighting drugs.

The enforcement part of SPECDA focused on school perimeters in the target area. Those arrested for selling drugs within 1,000 feet of a school were processed under Federal law. SPECDA also was highly successful in closing down virtually every “smoke shop” in the area, and eventually, the entire city.

The educational part of SPECDA was aimed primarily at the preteens in grades five and six. However, an assembly program

was also designed to reach the older students. SPECDA educational goals were to provide factual information about drug abuse and to provide training which would encourage healthy attitudes and behavior among those children who were highly susceptible to the drug culture.

Recover Hotline

Probably one of the most innovative and unique programs initiated by the police department was a nonenforcement approach to reduce the addict population on the Lower East Side. This was a slightly radical departure from a strict law enforcement point of view because it considered that drug abuse, aside from its criminality, was a disease which was not cured by incarceration. Police officers, together with the community, designed a program to provide addicts with alternative lifestyles. Because this program offered hope for a new and productive life to the substance abuser, it was called Recover.

A special telephone line was established at a "self help" community center within the target area. The telephone line was manned 24 hours a day, 7 days a week, by recovering addicts. Addicts needed only to dial the letters R-E-C-O-V-E-R and someone from Addictions Anonymous provided them with referral information and immediate counseling if necessary.

The police printed the Recover telephone number on business cards in English, Spanish, and Chinese and gave the cards to community representatives for distribution to local addicts. The

police officers assigned to the central booking facility also distributed these referral cards to arrested addicts waiting transportation to court. Each day, the community center would also dispatch a counselor to the booking facility to advise addicts about the program and provide hope for recovery.

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As of June 1988, Pressure Point personnel had made 36,247 arrests....

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“Self Help” Community Center

This center played a major role in phase II by providing a support network not only for the substance abuser but also for the abuser's relatives and friends. In addition, the center took a proactive stance in providing sensitivity training for police officers and providing information on local drug dealers. Aside from assisting the police and substance abusers and their relatives and friends, the center also fostered community education through workshops and counseling by recovering addicts.⁴

Epilogue

The Lower East Side still has its drug problems, especially with the evolution of the cocaine epidemic, and more specifically with its byproduct known as “crack.” The area, however, has made a complete reversal from the one which was drowning in drug trafficking several years ago. The crime problems were greatly reduced, and the neighborhood was returned to the community.

Pressure Point personnel still patrol the area, and many police-community programs are ongoing to prevent a recurrence of the drug infestation which nearly destroyed this neighborhood.

Many of the strategies employed in Operation Pressure Point have been applied and used on a smaller scale in other parts of the

city where drug problems exist. Precinct commanders are now successfully addressing local drug problems by incorporating Pressure Point concepts into their enforcement programs. The principles of Pressure Point are applicable whether a community has a small drug problem or a major epidemic. And, coordinated enforcement efforts, coupled by meaningful police-community alliances against drugs, will set the stage for reversing a degenerative trend in a small localized area or an entire precinct.

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Footnotes

¹During the first 4 weeks of operation, 18% of those arrested were out-of-city residents. This figure dropped to 14.2% after 6 months of enforcement.

²Peter Kerr, “Crime Study Finds Recent Drug Use In Most Arrested,” *New York Times*, January 22, 1988, p. 1.

³Table I shows that major crime has not increased significantly from after the first year of operation (1984) to 3 years later (1987).

⁴For a more comprehensive description of the center's programs, write to: All Craft “Self Help” Community Center, 23 St. Mark's Place, New York, NY 10003.

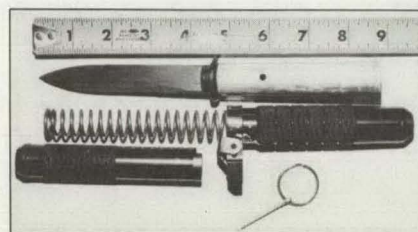
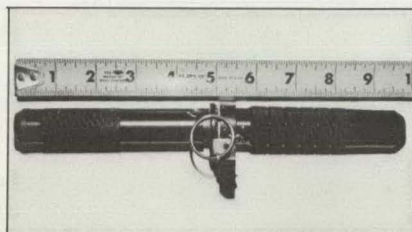
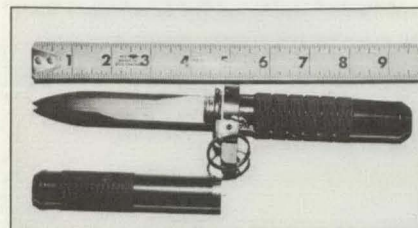
Focus on Unusual Weapons

Spring-Loaded Dagger

Officers involved with an organized crime drug enforcement task force in Knox County, IL, discovered this weapon during an investigation.

The weapon consists of a spun-aluminum tube approximately 10 inches in length. When the tube is separated, one half is found to hold what appears to be an ordinary knife blade about 4½ inches in length. Once the cover is removed, however, a spring-loaded trigger mechanism within the handle can be released, firing the blade a distance of about 15 feet.

This weapon is commercially manufactured and marketed, but it cannot legally be sold in its entirety. The knife and trigger mechanism can be purchased separately and then easily constructed, as seen here.

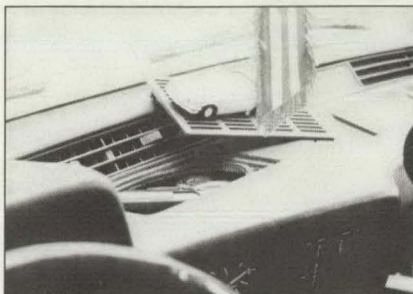


Dashboard Weapons Compartment

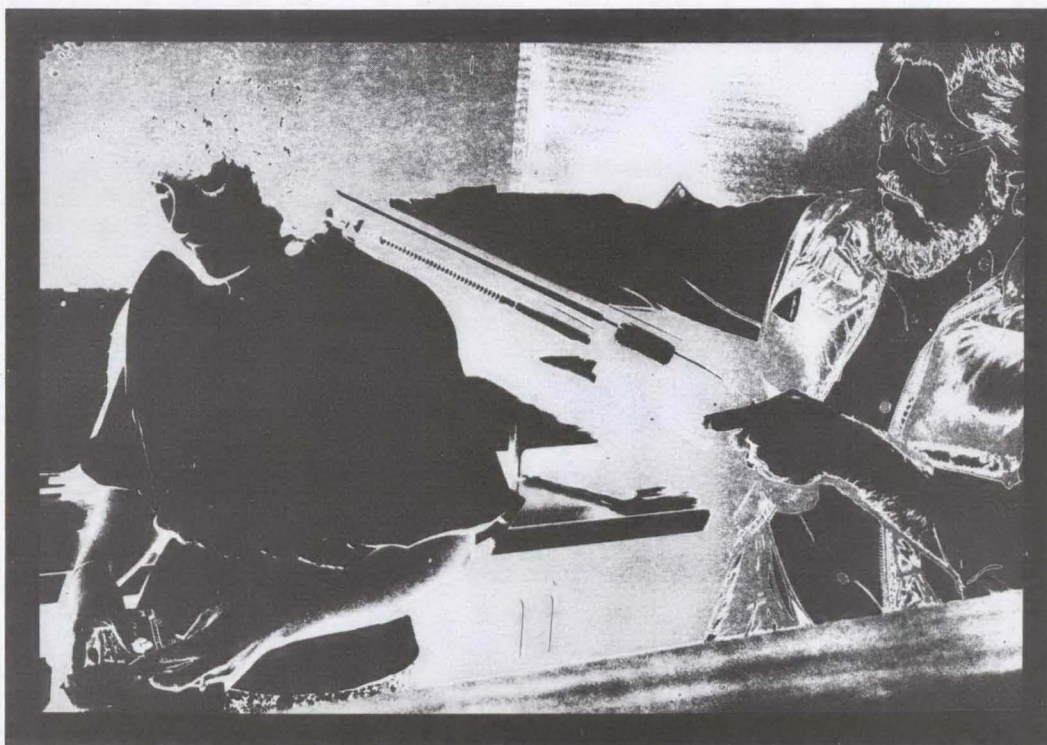
Officers of the Bath, OH, Police Department found this concealed hiding place in the automobile of a burglary suspect.

An open space beneath the radio speaker grill on the dashboard of the car was used to hide two semi-automatic pistols and ammunition for the two weapons. Attached to the grill was a small model car which acted as a handle, enabling the automobile's owner to gain quick access to the weapon's compartment.

Upon questioning, the individual informed police that the car had been searched several times previously and the compartment had never been found.



A Guide for First Responders to Hostage Situations



By
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and
G. DWAYNE FUSELIER
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Special Operations and Research Unit
FBI Academy
Quantico, VA*

Imagine that you have been on routine patrol for several hours when the dispatcher reports a silent alarm indicating a robbery in progress at a savings and loan association. Since you are only 2 blocks away, you respond to the call. As you cautiously stop about a half block from the front entrance, watching for signs of unusual activity, a lone male carrying a shotgun runs from the building. He starts in your direction, then freezes, wide-eyed, as he spots your patrol car. Looking around, you realize the old clunker next to you is probably his getaway car. You draw your weapon and assume a position of cover; he turns and runs back into the savings and loan. When the screams of panic from inside die down, you hear a raspy male voice yell out, "Hey, you out there! Any stupid moves on your part and these people in here will get it! Do you hear me?" While reaching for the radio mike, you can't help but think, "What would Dirty Harry do now?"

The first 15 to 45 minutes are the most dangerous time in a hostage crisis (excluding a rescue attempt). According to Spaulding, the average crisis management team response time is 45 minutes to 1 hour.¹ Therefore, the most crucial moments of this situation are in your hands, the first officer on the scene.

Although we are not recommending the first responding officer begin negotiations, it may be appropriate to initiate contact with the subject in order to assess the situation and gain intelligence. Further, the subject may, on his own, initiate an ongoing dialog with you.

This article will provide guidelines for responding to that situation. Since the majority of these crimes are committed by males,² the masculine pronoun will be used to refer to the subject throughout this article.

INITIAL RESPONSE **Stabilize and Contain** **the Situation**

In the first few minutes of an unplanned hostage situation, the subject's anxiety may overpower rational thought processes. His worst fears are now coming true—he is trapped by the police. He is more likely now to act on impulse or out of desperation. Your first action should be to ensure your

“
***A good crisis
negotiator is a good
listener.***
”

own safety by approaching the crisis area cautiously. Then attempt to isolate, contain, evaluate the situation, provide an initial report, and request additional resources.

Your next actions should be aimed at reducing the likelihood of further violence. If you can do so safely, without exposing yourself or others to danger, begin to clear the area of pedestrians. If they can be evacuated along routes out of sight of the subject, attempt to do so nonverbally, with hand signals. If innocents are trapped in locations that require they cross a field of fire, delay this evacuation until additional resources arrive. An alternative, depending on your

assessment of the subject, is to tell him clearly what you want to do and get him to agree to allow the civilians to leave. You can justify this procedure to the subject by stressing your interest in avoiding an accident or panic on the part of the civilians. Every effort should be made to evacuate these people to a single area to assist in accounting for all innocents and have them available for witness interviews.

You may now decide to contact the subject and attempt to calm him. Reassure him that things are under control outside and that you don't want anyone, including him, injured.

Avoid Eliciting Demands

The first few statements between the two of you may set the tone for the next few hours. Therefore, the first thing you should do is give your name and state that you are a police officer. For example, "Hello in there. My name is _____, with the _____ Police Department. Everything is under control out here. Is everyone all right in there?" Then, follow with statements such as "No one is going to try to come in. I want to make sure no one gets hurt. Can I count on you to keep things calm in there?"

Seemingly innocent questions may give him the opportunity to make demands on you. For example, a question such as, "What's going on in there?" may result in an answer like, "I have this clerk in here with a gun to her head and I'll shoot her if you're not gone in five minutes." Even asking how you can help may result in a demand from the subject.

By listening carefully to the subject's responses, you may be able to determine the sex, race, ethnic group, and even an age range of the subject. Although it may be unavoidable (or even desirable, in some circumstances) to become engaged in an ongoing conversation, you should make every effort to avoid bargaining with the subject or making concessions. If he brings up demands, you should attempt to get him to accept that you can't make those decisions, all you can do is keep the situation outside under control. If the two of you do establish some sort of rapport, the negotiation team may have you remain as the primary negotiator, with their support and guidance.

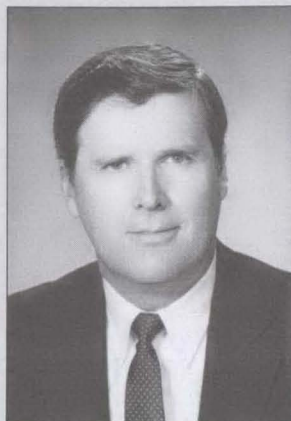
AFTER CONTAINMENT Guidelines

The following points are offered as guidelines for use after the situation has been contained.

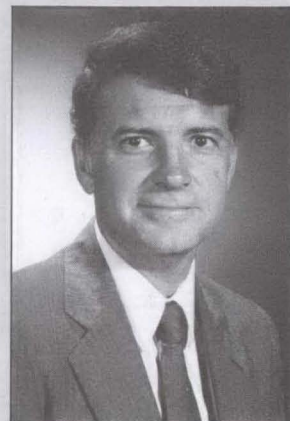
Keep a log—Even if you have little or no contact with the hostage taker, the tactical and negotiation teams will be looking to you for any information to aid in developing an overall strategy. Thus, early impressions, no matter how vague, are critical.

Record *all* communication with the subject, as well as your initial observations and impressions. Note his exact words, if possible, and your response to him. Make sure that the negotiation team receives this information when it arrives.

Allow the subject to speak—Your anxiety may drive you to want to "talk the subject out," and your tendency may be to talk too much, too early in the incident. A good crisis negotiator is a



Special Agent Dolan



Special Agent Fuselier

good listener. It is much more important to let him talk, which may help to reduce his own anxiety. Everything he says is valuable, because it tells you something about him. Further, if he is talking, you are gaining time, and he is not doing other things you may not want him to do. In short, don't try to "push the deal" too early. Finally, if you listen to him, he may provide some hint or indication of his willingness to surrender, to which you can respond.

Avoid giving orders that may escalate the confrontation—At the beginning of a hostage crisis, your efforts should be directed toward decreasing anxiety and tension. We are not suggesting that you allow him to dominate the situation, but you should be ready to adopt a reflective or conciliatory posture.

Play down past events—It is best to minimize the seriousness of the attempted crime. If the subject asks about the condition of others, do not acknowledge any deaths. You can handle this question in a number of ways. You might sim-

ply say, "They are all O.K." If you think the subject may have access to a radio, etc., you could respond, "I don't know, but they looked O.K. when I last saw them." In one instance, the officer just told the truth, saying, "I don't know his condition because I've been here talking with you." You could even try to develop his question into an agreement, "I'll get someone to check on his condition if you will assure me of the safety of everyone inside."

Don't offer the subject anything—In these early moments, the subject of an unplanned hostage crisis is primarily interested in his own safety and escape. Offering him something unsolicited, such as food, will be of little use and may cause difficulty for the negotiation team later. Remember, if you listen to the subject, he will tell what is important to him.

Avoid directing frequent attention to the victims—Directing frequent attention to the victims may lead the subject to believe he has more power than he really does. Attempt to get him involved

with you, rather than increasing his involvement with them. However, it may be appropriate in the early stages to ask for the names and condition of all inside (for notification of family, etc.). In doing this, avoid using the word "hostage" and try to humanize the victims by using their names, if you know them, or by referring to them as "the people with you," or as "the woman and the man," for example.

*Be as honest as possible—*The vast majority of hostage situations are resolved through straightforward, honest dialog between the subject and negotiator. One of the first tasks for you and the negotiation team is to establish rapport with, and the trust of, the subject. If he perceives the authorities as trying to trick him or lie to him, this could, at the very least, lengthen negotiation, and at worst, might result in injury to a hostage. The subject will generally accept the fact that you can't allow him to go and that you can't make decisions about possible deals.

“

... avoid taking the weapon directly from the subject as part of the surrender.

”

If you are not sure what he means by some statement or demand, ask him!—Don't try to interpret an unclear statement. Simply ask the subject what he meant. For example, a depressed subject may say, "Soon everything will be O.K." Or, a seriously mentally disturbed subject may create his own words (called neologisms) or use com-

mon words in a very unusual way. If you are not sure what he means, ask!

However, good judgment should prevail here. For example, if he says that unless he gets a car in 10 minutes, "Something bad is going to happen to the hostage," it would not be prudent to ask for clarification, because this may give him the chance (or make him feel obligated) to make specific threats toward the hostage.

Never dismiss any request as trivial—Remember, it is more important to be a good listener than a good talker. If the subject brings it up, it is significant to him. Discussing a seemingly trivial demand for cigarettes or an irrelevant topic will help keep things calm, set up a precedent for "working together," and allow time to pass.

Never say no—No matter how unreasonable, exorbitant, or weird a demand, never tell the subject "no." However, this does not mean saying yes. Usually, in the early stages of a hostage situa-

tion, simply indicate that you understand his demand and will pass it on to the other officers or the negotiation team when they arrive. Avoid using terms such as "the chief" or "the boss."

Soften the demands—If you must respond to a specific demand (e.g., one accompanied by a specific threat), it is better to soften the demand. For example, in

response to a demand for a car and \$100,000 in 30 minutes, you could respond, "O.K., I understand you would like some money and transportation, and I'll make sure someone starts working on it as soon as they get here."

Never set a deadline on yourself and try not to accept a deadline—Never tell the subject that anything will be done within a specific time (e.g., "I'll have the coffee for you in 10 minutes"). First, almost invariably the coffee will not be available in 10 minutes, and you will have to answer for it. Second, once the coffee is available and ready to go, you should wait until he brings it up again (stalling for time), or wait until you can use the delivery of the coffee to your advantage (e.g., to get by a more critical deadline).

Don't make alternate suggestions—If a response to a request is unavailable or unattainable (remember, never say no), don't suggest an alternative, unless it would be to your advantage and it has been discussed with and agreed to by the on-scene commander.

Don't introduce outsiders—Resolution of a hostage crisis is a law enforcement responsibility. Allowing a nonlaw enforcement person to enter into an ongoing hostage situation is a decision that should be made (by the on-scene commander) only after careful consideration of all possible outcomes. You should advise the negotiation team of anyone at the scene who approached you or who may have information about the incident (e.g., wife, minister, lawyer, friends, etc.) but you should not let anyone else talk to the subject.

Do not allow any exchange of hostages, and especially do not exchange yourself for a hostage—Just as friends, family, etc., who may be on the scene should not be permitted to talk with the subject, neither should an exchange (one person for another) be permitted under any circumstances. Most important, do not offer to exchange yourself for the release of hostages.

*If you sense the possibility, ask about suicide—If through conversations with the subject you sense that he may be considering suicide, ask him directly, "Are you going to commit suicide?" or "Are you going to kill yourself?" Every major suicide or crisis hotline in the United States considers this type of response *essential* in suicide prevention. If he was not going to kill himself, you will not push him over the edge or put the idea in his head. If he is seriously considering suicide, he may realize that you can understand how he feels. This may be the first step toward establishing rapport and a dialog that would encourage him to abandon his weapon and walk out.*

Never expose yourself in order to negotiate face to face—We have no data that indicate you get better results negotiating face to face, and by doing so, you are unnecessarily risking your life. Further, if the subject threatens your life, other officers may have to expose themselves in order to assist you. Finally, if the subject is considering suicide, he may use an assault on you to set up a "suicide by cop,"³ deliberately provoking officers into taking his life.

Carefully plan the surrender—The subject may decide to surrender before a perimeter has been set up and a definite surrender plan devised. The surrender process is critical, since you have an armed subject preparing to move from a barri-

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What you do in the first 15 to 45 minutes of a hostage incident can have a significant effect on the eventual outcome....

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cade position to your control. Therefore, you should give careful consideration to exactly what instructions you will give him.

Each of the primary methods of exit from the crisis site (i.e., hostages first or subject first) has advantages and disadvantages. Although we can't tell you which plan would be best for your situation, here are some things you should consider.

We suggest that you avoid taking the weapon directly from the subject as part of the surrender. Instead, arrange for him to leave it in a safe place, preferably where you can see it. In this case, having the subject exit first may remove the immediate threat to the hostages but would not allow you to instruct the subject to leave the weapon inside the crisis site since it would be accessible to the hostages. Further, if the subject panics and changes his mind, the hostages inside the stronghold are still at risk. On the other hand, having hostages exit first removes them from harm's way immediately but allows the hostage incident to evolve into a barricade if the subject changes his mind.

It is tempting to recommend a particular method, but the above examples illustrate that a slight change in circumstances may make a previously risk effective plan unacceptable. Perhaps the best statement we can make is to quote Lt. Robert Loudon (Ret.) of

the New York Police Department, "Safety and control must always be the prime considerations in the decisionmaking process."⁴

CONCLUSION

What you do in the first 15 to 45 minutes of a hostage incident can have a significant effect on the eventual outcome of that incident. The guidelines presented in this article have been used effectively by local, State, and Federal law enforcement agencies in hostage and barricade incidents throughout the United States. If you, as the first responding officer to such an incident, keep them in mind, you will have done your part in increasing the likelihood of a successful resolution to the incident.

FBI

Footnotes

¹W.G. Spaulding, "The Longest Hour: The First Response to Terrorist Incidents," *Law Enforcement Technology*, July/August 1987, p. 26.

²Ninety-six percent of 404 known domestic hijackers are male, personal interview with Frederick L. Lanceley, FBI Academy, Quantico, VA, 1988.

³David S. Soskis and Clinton R. Van Zandt, "Hostage Negotiation: Law Enforcement's Most Effective Nonlethal Weapon," *Behavioral Sciences and the Law*, vol. 4, No. 4, 1986, pp. 423-435.

⁴Personal interview with Robert Loudon during FBI Hostage Negotiation Course, FBI Academy, Quantico, VA, 1984.

Police Practices

Surveillance On A Shoestring

Surveillance is a vital investigative technique of any police department. Yet, many smaller agencies lack the necessary equipment that is available to their larger counterparts. This does not have to be the case, however, as proven by the Alcohol & Tobacco Enforcement Section of the Wisconsin Department of Revenue. Combining ingenuity, experience and automotive know-how, the department converted a van into an effective surveillance vehicle using a minimum amount of money.

The department chose to equip a van since one of its responsibilities is to seize contraband, which comes in all weights, shapes, and sizes. However, the type of vehicle to be converted depends significantly on how it will be used and how it is acquired (purchase or seizure).



Based on the department's experiences, here are some features to consider.

When buying a van, pick a standard utility van in the most popular color available, one that everyone and his brother has. Besides, conversion-type vans

with custom paint schemes are not only expensive but also make the vehicle unique and easier to remember if spotted. Also, buy a van with windows on all sides and the rear that have the darkest tinted glass that is legal in your State.

Other desirable options are:

- Automatic transmission (not everyone can drive a clutch),
- Power steering/brakes (reduces city driving fatigue),
- Heaviest suspension available,
- Rear roof vent or a small exhaust fan,
- Cloth seats or seat covers,
- Air conditioning and heating,
- Cruise control (if highway travel is anticipated and you want to improve gas mileage),
- Heavy-duty alternator, battery, and cooling package,
- Rubber floor mats (reduces stains and is easier to clean),
- Sliding side door and double rear doors (allows for easier entry and exit),
- Standard radio (you can't afford to have the van broken into by a parts thief while you are conducting a surveillance).

Many companies convert vans for surveillance use and charge accordingly, which is fine if your agency can afford it. But, why pay someone when, in most cases, the job can be done in-house? Practically every department has someone who is a "jack of all trades," someone who is mechanically inclined and can do carpentry and low-voltage electrical work. Ask around your department; maybe two or three employees can work together to equip the surveillance vehicle you need.

A complete instruction manual with step-by-step instructions has been written on the conversion of the van. Copies of this manual are available, upon request to:

Wisconsin Department of
Revenue
Excise Tax-Beverage and Cigarette Tax
P.O. Box 8905
Madison, WI 53791



(This feature was submitted by Special Agent Herbert W. Petersen, Investigative Unit, Alcohol and Tobacco Enforcement Section, Wisconsin Department of Revenue, Waukesha, WI)

The following features were installed in the van equipped by the Alcohol & Enforcement Section:

- A hinged bulkhead extending across the vehicle's width to partition off the rear of the van to haul cargo or to seal the rear to make a small room.
- Three small consoles house the necessary equipment to conduct a surveillance, e.g., radios, various switches to operate the equipment, storage space for shotguns, etc.
- Side windows covered with plywood (painted black on the side facing the windows) with trap doors for looking out; a rear window reinforced with 1/2-inch hardware cloth and regular window screen to allow for ventilation while maintaining privacy.
- A second battery.
- A battery isolator, mechanical siren, P.A. speaker/electronic siren, and red lights disguised as radio speakers on the dash.
- Dead bolt locks on all exterior doors.

This basic vehicle costs about the same as a full-sized sedan equipped for use by most agencies. Except for the radio, P.A. system, and sirens, all of the above can be installed for less than \$500. The only other expense was the 200 working hours spent to finish the project.

Left: Radio console when closed and opened.

Below: Overhead console with C.B. radio contains fictitiously labeled controls so that van appears commercially manufactured.



Police Practices serves as an information source for unique or noteworthy methods, techniques, or operations of law enforcement agencies. Submissions to this department of the magazine should be no more than 750 words (3 pages, double spaced

and typed). All submissions or inquiries should be directed to Kathy Sulewski, Managing Editor, *FBI Law Enforcement Bulletin*, Room 7659, 10th & Pennsylvania Ave. NW, Washington, DC 20535

Hazards of Clandestine Drug Laboratories

By
RANDOLPH D. JAMES
*Special Agent
Operations Division
Drug Enforcement Administration
Washington, DC*



Clandestine drug laboratories pose serious health hazards to law enforcement personnel. A typical site contains both toxic and volatile chemicals and materials, exposing those who seize, process, and dispose of these laboratories to unknown dangers.

Aggravating the problem is the significant increase in the number of clandestine laboratories. In fiscal year 1987, the Drug Enforcement Administration (DEA) seized 647 laboratories in the United States, compared to 184 in fiscal year 1981.

To insure the safety of law enforcement personnel who attempt to close down these laboratories, the hazards found there must be identified and adequate protection provided. This article details the problems encountered when securing clandestine laboratories and the safety program developed by DEA to protect law enforcement personnel from the inherent dangers.

INHERENT DANGERS

Clandestine laboratories present a variety of dangers—physical, chemical, and toxicological. Either brief or extended exposure to hazardous materials can have serious health consequences, depending on the type of chemical and the body's reaction to it.

Physical Hazards

The very nature of a clandestine laboratory site creates unique physical hazards. In order to mask the presence of the laboratory, the operator foregoes proper ventilation and other safety meas-

ures and confines the area with few access routes and poor lighting. There also exists the possibility of assault by attack dogs or a person wielding a gun, knife, or volatile or caustic chemicals. And, booby traps are being used with increased frequency by operators. Then there is the potential for explosions and fire caused by burning cigarettes, sparks from electrical switches, electrical equipment, damaged or mishandled gas cylinders, and firearms.

Chemical Hazards

Chemical hazards can take the form of solids, liquids, mists, or gases. Such substances are often unidentified or misidentified.

The chemicals used to manufacture drugs are generally identified as precursors, reagents, and solvents, many of which are explosive and extremely flammable. An example would be ether, a widely used, highly volatile solvent used to make "crack."

Identifying and protecting against chemical hazards is complicated by the fact that a chemical or combination of chemicals may pose more than one hazard. Recently, upon entering a clandestine laboratory, a DEA agent was splashed with a caustic liquid that contained methamphetamine. In addition to chemical burns, the agent also suffered a serious reaction to methamphetamine, which resulted in his hospitalization.

Toxic Hazards

Other hazardous materials found in clandestine laboratories are irritants and corrosives; chemicals that react violently with water, air, or with other chemicals; asphyxiants; and nerve toxins and other chemicals that may have immediate or delayed adverse effects on the skin or internal organs. Any compressed gas that exceeds certain pressure limits is also considered a hazard because of its potential explosive force.

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Clandestine laboratories present a variety of dangers—physical, chemical, and toxicological.

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Special Agent James

THE CLANDESTINE LABORATORY SAFETY PROGRAM

This program was started in 1986 by DEA and the California Bureau of Narcotics Enforcement, in accordance with regulations developed by the Occupational Safety and Health Administration

degree of safety in handling hazardous chemicals. Under the revised procedures, the raiding of these sites has been divided into five stages—planning, entry, assessment, processing, and exit.

Any time law enforcement officers initiate a response, they must first develop a plan of action.

assessment team of any hazards observed.

Once the laboratory site has been secured, the *assessment* team, comprised of an agent and chemist, enters the site to identify and assess the chemical hazards visually and through the use of air monitoring equipment. The equipment determines the oxygen level, explosive level, and the presence and concentration of toxins. If necessary, the assessment team will handle any imminent hazards, ventilate the site, and segregate incompatible chemicals to halt reaction.

Members of the assessment team wear fire protective clothing, chemical resistant suits, gloves, and boots. They also use self-contained breathing devices for respiratory protection. Personnel with identical gear are stationed outside to assist in case of emergency. In its assessment, the team determines the safety equipment and protective clothing needed by the processing team.

The *processing* of the laboratory involves identifying and collecting evidence. The site is photographed or video taped, and samples of the various chemicals are taken, along with other items determined to have evidentiary value.

Although the personal protective clothing and equipment used by the processing team is determined by the findings of the assessment team, at a minimum, it includes fire protective clothing, chemical resistant suits, gloves and boots, and goggles. If necessary, respiratory protection will also be used.

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The main goal of the program is personnel safety....

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(OSHA) and recommendations of The National Institute of Occupational Safety and Health (NIOSH). It consists of four basic elements—policies and procedures, equipment and protective clothing, training, and medical monitoring.

Policies and Procedures

The main goal of the program is personnel safety, i.e., eliminating exposure to the dangers inherent in clandestine laboratories. This has been accomplished through certification and revised investigative procedures.

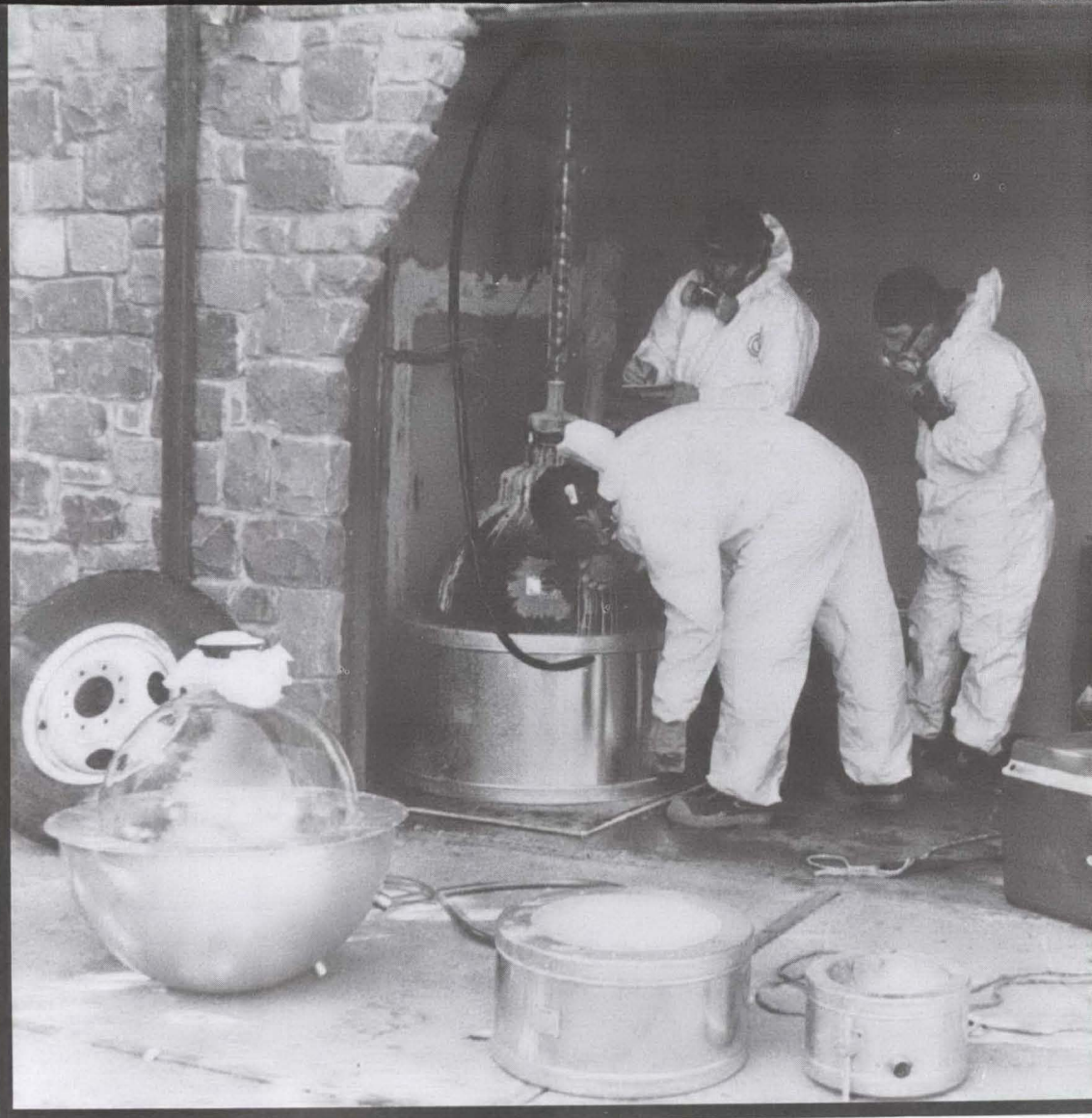
With certification, selected agents and chemists are approved after medical training and screening as the only personnel authorized to seize, process, and dispose of clandestine laboratories. Only certified personnel are permitted to enter a clandestine laboratory site until the environment has been declared safe.

DEA's procedures for investigating clandestine laboratories were revised to insure a proper

During the *planning* stage, certified agents and chemists identify the possible chemicals and arrange for the proper safety equipment and protective clothing. Other emergency services agencies, such as the fire department, emergency medical evacuation unit, and hazardous material disposal company, are placed on standby. Each certified agent and chemist is briefed and assigned specific duties.

Entry of a clandestine laboratory has the potential for the most danger. The entry team faces the possibility of armed resistance by owners and operators, booby traps, and exposure to hazardous chemicals. The team remains in the laboratory only as long as it takes to secure the site and arrest and remove the occupants.

The entry team uses the lowest level of protection because the gear (fire protective clothing, goggles, and ballistic vest) limits mobility, dexterity, vision, and voice communications. Once outside, the entry team advises the



A processing team identifies and collects evidence at a clandestine laboratory site.

Once the laboratory has been processed, preparations are made to *exit* the laboratory site. This involves removing and disposing of hazardous materials, decontamination, and posting the site.

A licensed hazardous waste disposal company, under the direction of the agents and chemist, removes all chemicals and laboratory equipment, including glassware. Based on the hazard level, the materials are either stored or immediately destroyed. All persons who were inside the laboratory must undergo decontamination in accordance with accepted safety policies and procedures. In addition, anything re-

moved from the site, including safety equipment and protective clothing, must be decontaminated

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**DEA ... is working with
... State and
local law enforcement
agencies [to]
develop ... safety
programs....**
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or turned over to the disposal company for destruction.

In most cases, even after the laboratory equipment and chemi-

cals have been removed, the site is still contaminated, posing a public health hazard. To protect the public, the site is posted, the legal owner is notified by registered letter, and the local health department and other responsible agencies are alerted to the condition.

Equipment

In addition to personal safety gear and protective clothing, each of DEA's 19 domestic field divisions has a specially designed truck equipped with 140 gallons of heated water to supply emergency decontamination showers and eye-wash faucets. An onboard, gasoline-powered electrical gener-

ator provides electricity for the portable lighting and smoke ejection fans carried on the truck. The 4-wheel-drive trucks also carry a power winch for use in rough terrain, fire extinguishers, flashlights, tools, and a first-aid kit.

Training

Initially, the training consists of 40 hours of classroom instruction and hands-on practical experience. The curriculum covers basic toxicology, chemical hazard recognition and assessment, safety procedures, the use of safety equipment and personal protective

clothing, and emergency response, including fire suppression and first aid.

In the practical exercises, students don safety equipment and

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The importance of medical monitoring cannot be overstated.

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protective clothing to perform several tasks. After entering a smoke-filled, burning room and rescuing

an individual, the students have to extinguish the chemical fire. Next, working in teams, the students enter a laboratory site, and using the proper equipment, assess the hazard level. Following the assessment, the team processes the laboratory by taking samples of the various liquid and solid materials present. The practical exercise concludes with the students going through decontamination.

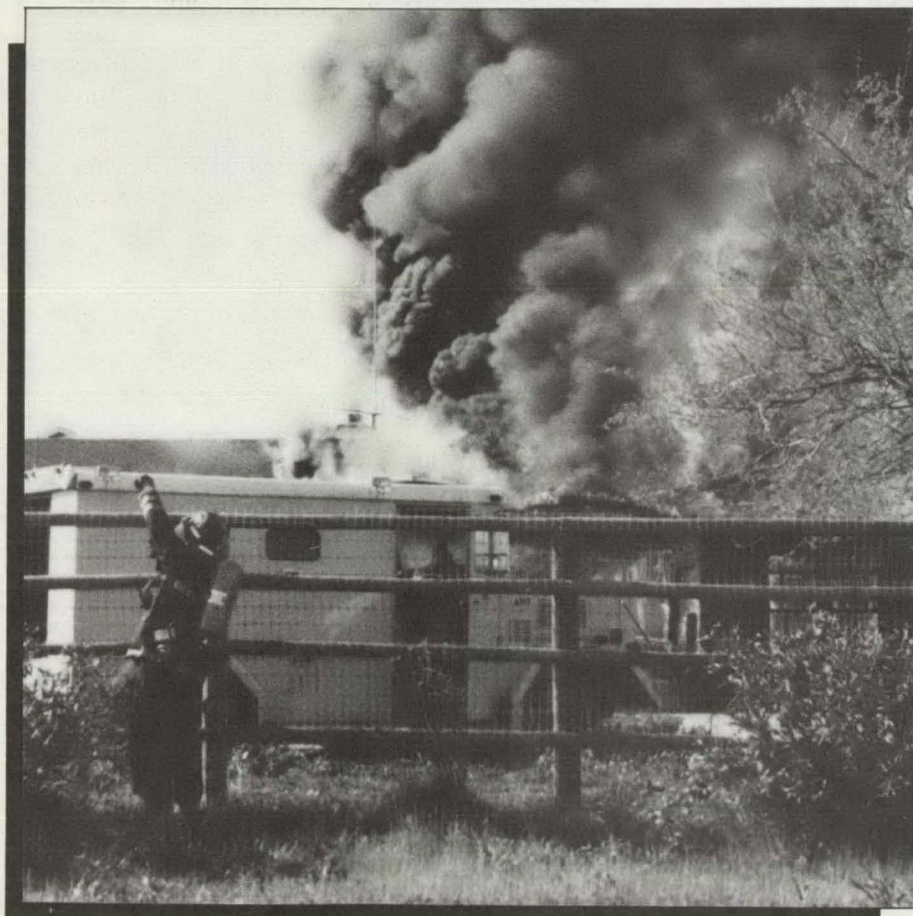
A 24-hour inservice training course is conducted annually at the field level. Every 3 months, each participant receives 6 hours of instruction, which includes a review of what was taught in the initial course and an introduction to new material.

Members of the assessment team wear fire protective clothing, chemical resistant suits, and self-contained breathing devices for respiratory protection.

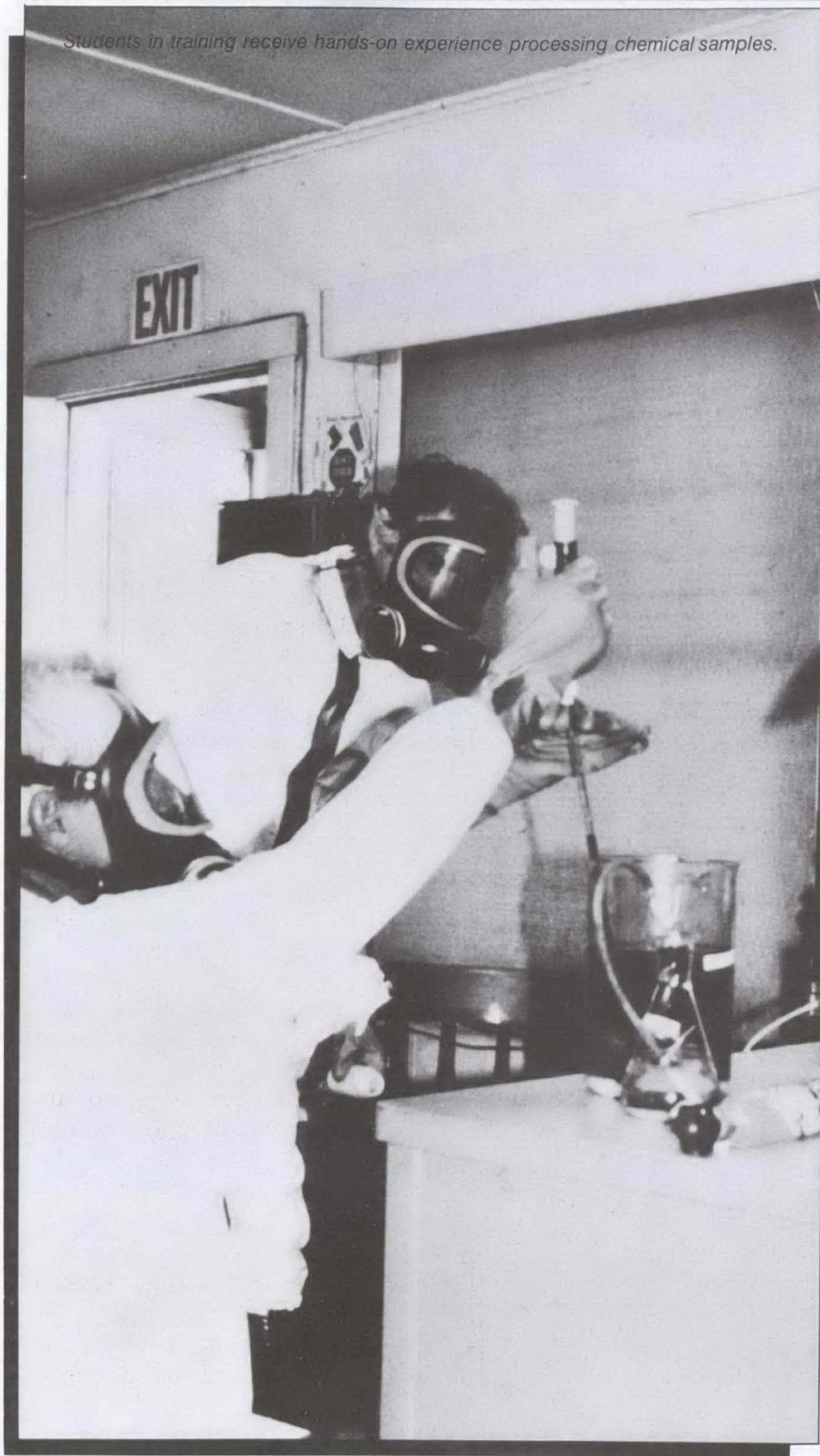
Medical Monitoring

The medical monitoring element of the safety program has two separate objectives. The first is to determine if the individuals selected for certification are physically fit to use the safety equipment and undergo training. The second is to determine if a participant has developed any adverse health effects as a result of working with hazardous chemicals.

The initial medical assessment takes place prior to an employee entering the training program. Future monitoring includes annual examinations, which continue for the duration of employment, even if the participant leaves the program. In the event a participant is exposed to or affected by hazardous chemicals, he or she will undergo additional examinations to identify and measure adverse health effects.



Students in training receive hands-on experience processing chemical samples.



The general medical history and examination focus on the skin, lungs, liver, and neurological system. Special attention is given to problems which may arise from using respiratory protective gear, physical capabilities, contact with chemicals, and heat injury.

In addition to a general medical examination, a number of specific tests are performed. Since safety equipment and protective clothing place a strain on the respiratory and cardiovascular systems, a spirometry test, which is a lung function measurement, and an electrocardiogram are required. Exercise stress tests are done if there is some indication they are needed, and laboratory tests (urinalysis, blood counts, and blood chemistries, including liver and kidney function tests) are given to determine if a participant has developed any health problems from being exposed to chemicals.

The importance of medical monitoring cannot be overstated. Whether an individual enters the program or the length of participation in it is determined through medical assessments.

CONCLUSION

In the first 2 years of the Clandestine Laboratory Safety Program, DEA has trained and certified a total of 510 special agents, task force agents, and chemists from its 19 domestic field divisions and field laboratories. DEA will continue this certification program and is working with other Federal agencies to help State and local law enforcement agencies develop clandestine laboratory safety programs of their own.

FBI



The Use of Canines in Arson Detection

By

Robert B. Thomas, Jr.

Deputy Chief

Maryland State Fire Marshal's Office

Baltimore, MD

Long considered by many as man's best friend, the dog has also become a proven arson investigative aid, especially in the State of Maryland. Since 1987, the Maryland State Fire Marshal's Office has extensively trained canines in arson detection. Impossible? Highly unlikely? On the contrary, canines, particularly Labrador retrievers, have been used to seek out accelerants to assist arson and fire investigators.

The Beginning

When the Maryland State Fire Marshal learned that the Bureau of Alcohol, Tobacco and Firearms (BATF), in conjunction with the Connecticut State Police, was training a dog to detect arson accelerants, he realized the potential value for his department. He assigned a deputy chief, who had more than 40 years of dog handling and training experience, to investigate the feasibility of using

arson canines in Maryland. What the deputy chief learned represents a viable investigative technique.

Specifically, BATF determined that a canine can be conditioned to respond to an accelerant odor using the traditional Pavlovian technique. To start, a dog is "imprinted" with an accelerant odor. As the canine searches an area and finds a spot where an accelerant is located, he is trained to sit. If the canine correctly

responds, the handler rewards the dog with food, a ball, and/or praise.

The Dog Versus Technology

Conditioned dogs can respond to an odor with potentially greater accuracy than current field accelerant detection devices. Whereas common mechanical hydrocarbon detectors are sensitive to accelerant components in the parts-per-million range, canines can also differentiate between accelerants and similar chemical gases normally found at a fire scene.

Field accelerant detection instruments have limited ability in detecting various types of hydrocarbons. As a result, false-positive readings are a common occurrence, since many classes of compounds are formed as fire chemically alters synthetic materials. For example, plastics, which are composed of hydrocarbons, are also found in accelerant products. During a fire, plastic breaks down to form individual hydrocarbons which can be detected by field accelerant detection instruments. This can result in a false-positive reading. Final determinations as to whether this indicates a bona fide accelerant used to start the fire, or a false-positive reading, requires further analysis by a gas chromatograph.

Training and Conditioning

Since the Maryland program began, three dogs, all black Labrador retrievers, have been fully trained in arson detection. These dogs are on call 24 hours a day with their respective handlers for response to possible arsons

throughout Maryland or adjacent States.

To reinforce training procedures, the dogs travel to fires that have been determined by investigators to be accidental incidents. With the permission of the property owner, the arson canines walk around the property so that they get used to the odor of burned items. Handlers may also "set up" an area by placing one or two drops of gasoline or another type of accelerant at the scene to reinforce the dog's ability to seek and find.

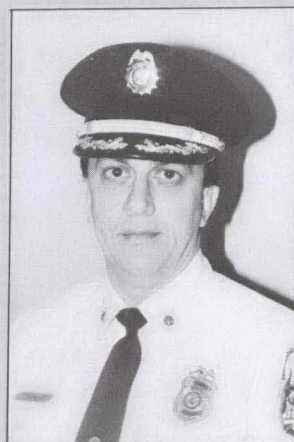
An arson K-9 handler works with a dog in a systematic, clockwise pattern around the suspected area of origin. The dog is then given the command "seek." The canine then "tells" the handler when an accelerant has been located by sitting in the area where he determines the odor originates. The handler may ask the dog to "show me" the specific area of the odor. The canine will then put

his nose into the spot or area where investigators should take a sample to submit to a forensic laboratory for detailed analysis.

The Maryland Program

The program has gone far beyond merely training and demonstrating dogs in arson detection. In October 1987, the Maryland State Fire Marshal's Office was called upon to investigate a \$5 million fire of a lumber company and seven other businesses in Crisfield, MD. After nearly 2 days of extensive work by the fire marshal's Major Incident Response Team, an arson canine was called to the scene. Within less than 1 hour of working the scene, the dog "pointed" to an area where investigators had previously determined was the area of origin and where suspected flammable liquids had been poured. With the canine's assistance, fire marshals were able to conclude that the blaze was incendiary.

"... canines ... have been used to seek out accelerants to assist arson and fire investigators."



Deputy Chief Thomas



K-9 "Barney" indicates the presence of a flammable product for Chief Deputy Farrell during a training exercise.

Chief Deputy Farrell and K-9 "Barney" search through debris following a fire at a shopping center.



Assisting Other Jurisdictions

Since the K-9 program's inception, the State Fire Marshal's Office has assisted several Federal, State, and county organizations in development, training, and fire scene investigations using these highly trained dogs. In February 1988, a Maryland handler and his dog demonstrated the canine arson detection program to the U.S. Secret Service K-9 handlers and trainers. In March of that

of a Maryland handler and his dog, the Atlantic City, NJ, police Department K-9 Division trained five arson canines during a 1-week class.

The Delaware State Fire Marshal's Office has also used Maryland's arson canines on five separate occasions. One notable incident involved an arson and triple homicide at a residence in Claymont, DE. One of the dogs worked the crime scene extensively and "pointed" to several areas where a flammable liquid was believed to be located. Following an examination of the evidence collected at the scene, the dog's findings were confirmed. Within 24 hours of the fire, two individuals from New York were arrested and charged with the crimes.

Future Goals

The Maryland State Fire Marshal's Office will continue to inform and provide technical

advice to other organizations and departments that are interested in the use of canines in arson detection. In addition to the State Fire Marshal's Office Arson K-9 Unit, the Prince George's County, MD, Fire Department Fire Investigations Division has started using canines in arson detection.

In the future, the nationwide use of arson canines will provide an invaluable tool to assist arson investigators in determining the cause of suspicious fires. In commenting on the arson K-9 program, the Maryland Fire Marshal stated, "A trained arson canine will not conclusively prove arson. Establishing arson requires extensive fire and police investigation into the origin and circumstances of a fire. However, the canine accelerant detection program will become another useful weapon in an investigator's arsenal to combat arson."

FBI

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... the nationwide use
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investigators....
”

same year, a special presentation was made to more than 100 Pennsylvania State troopers at the annual training seminar of the Pennsylvania State Police/Fire Marshal's Office regarding the benefits of the canine arson detection program. With the assistance

The Admissibility of Evidence Located in Searches by Private Persons

On March 23, 1920, several private detectives retained by the City Services Oil Company, the employer of one J.C. McDowell, unlawfully entered McDowell's private office, forced open his desk, and blew the door off his safe. Papers linking McDowell to a mail fraud scheme were located in the search of his office and volunteered to Joseph A. Burdeau, a Federal prosecutor who presented the papers to a grand jury in order to indict McDowell. Associate Justice Louis D. Brandeis, in his dissenting opinion in the U.S. Supreme Court case entitled *Burdeau v. McDowell*,¹ framed the issue succinctly:

"Plaintiff's private papers were stolen. The thief, to further his own ends, delivered them to the law office of the United States. He, knowing them to have been stolen, retains them for use against the plaintiff. Should the court permit him to do so?"²

Despite the edge of moral indignation in Justice Brandeis' words, the majority of the Court held that the fourth amendment of the U.S. Constitution is not applicable to searches by private parties, even when those searches are clearly

illegal. The Court reasoned that the drafters of the Constitution never intended to restrain the activities of individuals who are not employed by the government.³

Although the fourth amendment does not contain language mandating the exclusion from trial of evidence improperly seized by government agents, the Supreme Court had ruled, prior to the *Burdeau* decision, that evidence obtained by an unlawful search and seizure by Federal agents could not be admitted in Federal criminal trials.⁴ Noting that McDowell had other legal remedies giving him an "unquestionable right of redress against the private party wrongdoers,"⁵ the Court in *Burdeau* indicated that exclusion of illegally obtained evidence in a criminal proceeding is not among these remedies. Even when the Supreme Court expanded the applicability of the exclusionary rule to include non-Federal, as well as Federal, law enforcement officials,⁶ private party searches retained an immunity from exclusion.⁷ Inasmuch as the exclusionary rule was intended to deter the illegal searches of overzealous police officers, it follows that this rule would have no impact on the

By
AUSTIN A. ANDERSEN
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... the fourth amendment is not applicable to searches by private persons, even when those searches are clearly illegal.
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Special Agent Andersen

private individual whose search is motivated by personal reasons. It is probably this rationalization that has enabled the *Burdeau* rule to remain a valid legal precedent after nearly 70 years.

In order for law enforcement officials to make the most effective use of this rule, however, it is necessary to consider its scope and

in many ways. In *Burdeau*, the private party conducting the illegal search delivered the evidence directly to the prosecutor. However, had the private party not come forward, the *Burdeau* Court suggested that the government had an alternative means of obtaining the evidence by use of a subpoena.⁸

the defendant to present evidence that indicates collusion between the anonymous citizen informant and the police.¹⁰

It is not always necessary that a private searcher hand deliver the evidence to the police. When the item is lawfully within his custody and control, such as in the case of a package consigned to a common carrier, the private searcher may call the police to retrieve the evidence:

“When common carriers discover contraband in packages entrusted to their care, it is routine for them to notify appropriate authorities. The arrival of police on the scene to confirm the presence of contraband and to determine what to do with it does not convert the private search by the carrier into a government search subject to the Fourth Amendment.”¹¹

But when the private search is conducted after a trespass, it is clear that the fourth amendment prevents a police officer from making a warrantless entry into an area where there is a reasonable expectation of privacy to obtain such evidence. In a recent Illinois case,¹² a hotel maid, who mistakenly believed that the defendant had checked out, entered his room and opened a suitcase containing cocaine. The hotel manager called the police, who returned to the room and searched the suitcase. The court found that the defendant clearly had an expectation of privacy in his room against police intrusion that was not frustrated by the earlier private search. Had the maid brought the cocaine out of the motel room and delivered it to

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... the burden of proof is on the defendant to present evidence that indicates collusion....

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limitations. Certain questions arise. Must the private party personally deliver the evidence to the police? What types of government involvement in a private search will affect the admissibility in court of the evidence located? Can employees of the government who are not law enforcement officers qualify as private parties? Can a search motivated by personal reasons be a private search, even when conducted by a law enforcement officer, such as an off-duty policeman employed as a security guard? Can a telephone conversation illegally monitored by a private party be admissible in court?

These questions imply that in practice, the application of the *Burdeau* rule can become complicated by varying fact situations. This article analyzes the limitations on admissibility of evidence obtained from searches conducted by private individuals.

The Mechanics of Delivery

It is possible to receive evidence from a private party search

In *Torres v. State*,⁹ the Supreme Court of Indiana considered the case of a burglar who broke into an apartment and located photographs depicting Torres and his girlfriend engaging in sexual activity with a 3-year-old child. Subsequently, the photographs, along with a card identifying the individuals pictured, were sent anonymously to the sheriff's department. Despite the fact that the ensuing investigation never uncovered the identity of the burglar, the photographs were ruled admissible as the fruits of a private search. It is important to note that prior to the receipt of the pictures, Torres was not the subject of any pending investigation nor was there any evidence of bad faith on the part of any member of the sheriff's department. The anonymity of the citizen informant makes the defendant's task of demonstrating that the police and the party conducting the search acted in concert very difficult. In that regard, one court recently held that the burden of proof is on

the police, the evidence would be admissible. But before the police can lawfully enter the motel room where the defendant has a reasonable expectation of privacy, they must comply with the fourth amendment.

However, in a case where the owner of a barn, which the defendant used as his residence, entered the barn and removed weapons which had been used in a murder, the court approved the retrieval of the weapons by the police from an adjacent driveway.¹³ In a Michigan case,¹⁴ a landlord entered a mobile home leased to the defendant and removed a large box filled with what he thought were meat scraps used for dog food. When the box was opened just outside the trailer door, it was found to contain the badly decomposed body of the defendant's husband. The police were summoned and took custody of the body from the curtilage area of the home. Noting that a search requires a government intrusion into an area where there is a reasonable expectation of privacy, the court found there was no intrusion into such an area in this case.

Whether the police can come to the location of the private search to accept delivery of the evidence depends on the location of the evidence and whether the defendant retains a privacy interest in that location. It is clear that no such interest remains in packages entrusted to the custody of another party. It is equally clear that absent some recognized exception to the warrant requirement, the police cannot enter an area such as a residence to retrieve evidence discovered there by a private person. However, this limitation

does not apply when the private searcher has lawful access to the area and invites the police to enter. In *Coolidge v. New Hampshire*,¹⁵ the U.S. Supreme Court considered a case in which the police were invited into the defendant's home by his wife who, during routine questioning, was asked if her husband owned any guns. She responded by producing four weapons from the Coolidge residence. The Court held not only that Mrs. Coolidge was not directly requested to locate the guns, and was therefore not an agent of the government, but also that her consent to enter the premises allowed the police to retrieve the evidence inside the defendant's residence.

Government Involvement in a Private Party Search

Government involvement in private searches can consist of a wide variety of activity. A police officer may order an informant to conduct an illegal search, participate in the search, stand by passively while the search is con-

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When the item is lawfully within his custody and control ... the private searcher may call the police to retrieve the evidence....

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ducted, or expand the antecedent private search into remaining privacy interests through additional searching or testing. As will be seen, some types of involvement will convert a private search into a governmental one, thereby making it illegal unless performed in conformity with fourth amendment standards.

Instigation and Participation

It is clear that when a government officer orders or requests an informant or a private citizen to conduct a search, the search is not private as the searcher becomes the agent of the government.¹⁶ An officer cannot demand, for example, that a landlord conduct a search that would be illegal if performed by the officer; such a search, even though the landlord would have broken no law had he conducted it independently, is equivalent to a search by the requesting officer.¹⁷ Similarly, a police officer who participates in a search legitimately instituted by a private party makes that conduct governmental from the time the officer joins in.¹⁸

Instigation by police of private searches must be explicit in order to make the search governmental. In *Gold v. United States*,¹⁹ FBI Agents indicated to an airline employee that a certain carton was probably mislabeled as to contents and address. When the Agents left, the employee, concerned about inaccurate shipping

documents, opened the package and found obscene material. The court considered the search private because the agents had not specifically requested that the carton be opened and because the employee had an independent motive for learning more about the shipment. Government directives to the private sector requiring searches can

make these intrusions governmental if they are not only mandatory but also done because of the regulation rather than for any private reason. For example, Federal Aviation Administration regulations requiring the search of carry-on baggage by airline employees as part of an antihijacking program was considered a governmental search by the Ninth Circuit Court of Appeals.²⁰

Passive Standby

When an officer neither requests nor participates in an *unlawful* search, such as the breaking and entering of a residence, he cannot passively stand by and do nothing; his knowledge of and failure to stop the illegal activity will make the search subject to the fourth amendment and the exclusionary rule.²¹ In addition, failure to take action in such a situation could subject the officer to criminal prosecution, administrative action, or civil liability. Police may, however, observe a *lawful* search by a private party who has not been ordered or requested to make the

In passive standby cases, it is important to show not only that the search was not conducted at the request of the police but also that the motivation for the search originated with the private party, who would have conducted the search whether the police were present or not. In a recent Sixth Circuit Court of Appeals case,²³ the defendant was found unconscious on an airplane and was taken to the hospital by the police. In an attempt to find identification or medication, an emergency room nurse instructed a police officer to search the defendant's purse, which contained cocaine, crack, and drug paraphernalia. Later, while the defendant was still unconscious, a physician conducted a thorough physical examination, including the defendant's body cavities, and located additional drugs, which were given to a police officer posted nearby. The defendant claimed both searches were governmental. The court reasoned that the search of the handbag was done at the request of a nurse during an emergency and was tantamount to a private

an interested party. Furthermore, it was noted that the physician located the drugs as part of an examination which he believed was in the patient's best interests. To prevail on her claim, the defendant would be required to show the following: (1) The police had instigated, encouraged, or participated in the search, and (2) the private party must have engaged in the search with the intent of assisting the police in the investigation.

More problematic are cases involving traditional informants who claim they have spontaneously seized evidence without any previous orders to do so by a law enforcement official. In *United States v. Lambert*,²⁴ the defendant's housekeeper approached the FBI and provided information about Lambert's drug activities. Over the course of the following year, the housekeeper contacted the FBI approximately 25 times concerning Lambert and was, on occasion, provided expense money. She was never asked to retrieve any items from Lambert's house. In fact, when she offered to search Lambert's locked safe, she was specifically forbidden to do so. Nonetheless, she went into a closet belonging to the defendant, located a thermos which contained drugs, and brought it to the FBI office. The court found that the antecedent discussions between the housekeeper and the FBI did not make her an agent of the government for purposes of this search. It was noted that although she acted with the "requisite agent intent,"²⁵ that is, an intent to assist in the investigation against Lambert, the FBI did not instigate, encourage, or participate in her searches, which were ruled private.²⁶

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... when a government officer orders or requests an informant or private citizen to conduct a search ... the searcher becomes the agent of the government.

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intrusion. If a common carrier's security officer must, as part of his normal duties, open unclaimed baggage, the "passive presence" of the law enforcement officer who merely observes does not transform the legal, private-party intrusion into a search by the government.²²

search. This search could also be justified as an emergency exception to the warrant requirement. The court then found the body cavity search was not government action, noting that a person will not be held to have acted as a police agent merely because of the presence of a police officer who is

*Expanding Private Searches
to Explore Remaining
Privacy Interests*

Another group of cases deals with police who were not passive but instead ventured beyond the scope of the initial private search. These cases involve government scrutiny of evidence obtained after the conclusion of a search by a private party. This post-search scrutiny — whether it is a simple re-inspection or a sophisticated laboratory analysis — raises the question of whether there is a reasonable expectation of privacy which remains in some aspect of an item recovered by the police from a private party.

In *Katz v. United States*,²⁷ the Supreme Court defined a search as a government intrusion into an area where there is a reasonable expectation of privacy. To be protected, however, the privacy must meet a two-part test: First, the defendant must actually expect privacy (the subjective test), and second, this expectation must be one that is reasonable, based on the court's interpretation of what society is prepared to recognize as reasonable (the objective test).²⁸ It is this second, or objective test, which often leads courts to draw different conclusions about privacy interests remaining in evidence obtained after a search by a private party.

In *Walter v. United States*,²⁹ a shipment of eight-millimeter films depicting homosexual activities was addressed to Leggs, Inc., Atlanta, GA, but was mistakenly delivered by a private carrier to a company named L'Eggs Products, Inc., in the same city. An employee of L'Eggs Products, Inc., a hosiery distributor, opened

the package and examined the individual boxes of film, which were labeled with explicit descriptions of the contents. One employee opened some of the boxes but was unable to view the film, even when it was held up to the light. The FBI was summoned, and without obtaining a warrant or communicating with the consignor, Agents viewed the films with

(DEA). Before the first DEA agent arrived, however, the package was completely reassembled by a Federal Express employee. In order to locate the white powder, the agents had to reopen the package, layer by layer. To determine if the powder was a controlled substance, they performed a field test, which proved to be positive. Upon learning that the package

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Instigation by police of private searches must be explicit in order to make the search governmental.

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a projector. In a plurality opinion, the Supreme Court found that the FBI Agents were lawfully in possession of the film but could not view the contents on a projector without a search warrant. The government has the right to re-examine the materials to the same extent as was done in the private search; it cannot, however, exceed the boundaries of that search when the item retains remaining interests in privacy.

In a later case involving drugs rather than film, the Supreme Court allowed some expansion by Federal agents of an earlier private search. In *United States v. Jacobsen*,³⁰ employees of Federal Express, a private commercial carrier, opened a damaged package consisting of a paper-wrapped cardboard box containing 6½ ounces of a white powdery substance in the innermost of a series of four plastic bags concealed inside a tube made of silver duct tape. After examining the contents of the package, the office manager notified the Drug Enforcement Administration

contained cocaine, the agents obtained a warrant to search the residence to which the package was addressed. In determining whether the cocaine seized at the Federal Express office was obtained illegally, the Court was faced with two issues: 1) Can a package which has been previously searched privately but closed prior to delivery to the government be re-opened to expose its contents? and 2) Can government agents exceed the scope of the private search by conducting an on-the-spot field test to detect the presence of controlled substances?

The Court responded in the affirmative to both questions. The fourth amendment was found not to apply to the search by the Federal Express employee because of the *Burdeau* rule. In addition, the opening of the package by the private individual is not a government intrusion, and therefore, lacks one of the two essential elements of a search as defined by *Katz*. The reopening of the package by DEA agents was a govern-

ment intrusion, but it did not violate the defendant's reasonable expectation of privacy, which was already undermined by the antecedent search. As long as the re-examination of the item covered no new ground, reasoned the Court, there had been no exploitation by the police of remaining privacy interests. Finally, the Court found that a field test that merely discloses whether a particular substance is cocaine does not constitute an expectation of privacy that society is prepared to recognize as reasonable.³¹ The *Walter* case can be distinguished from *Jacobsen* because the viewing of film entails the full disclosure of the contents, some of which may be protected by the first amendment. The field test, on the other hand, serves only to identify the presence of illegal substances.

The *Walter* and *Jacobsen* cases establish that police may cover the same territory previously searched by a private party, but they must exercise care to avoid exceeding the scope of the initial

search. The *Walter* case was reported to the airport police, who summoned a DEA agent. The agent conducted a field test on the powder, but the test result was negative. After squeezing and bending the bag, the Agent poked his finger into the puncture hole, which he then enlarged in order to locate an opaque fiberglass container concealed in the powder. Noting a chloride odor that he associated with cocaine, the agent opened the container and field-tested the contents, which tested positive. The court found that the intrusion into the inner container was an impermissible expansion of the airline employee's private search.

Although *Jacobsen* establishes the constitutionality of on-the-spot field tests of substances obtained from a private party search, the right to conduct more sophisticated tests is less clear. In *United States v. Mulder*,³³ a hotel security officer entered the defendant's hotel room after check-out time and removed a locked bag and other personal articles. The next day, the employee broke the

bag and gas chromatography and found to contain methaqualone. The court approved of the receipt of the tablets from the hotel employee but held that a search warrant was required before highly sophisticated laboratory analyses could be performed on the seized substance. This case was distinguished from *Jacobsen*, where the field test only revealed whether the substance was cocaine. The toxicology tests used in *Mulder* not only detected a particular drug but also revealed through molecular structure the exact identity of every ingredient in the compound. In these additional "private facts," according to the *Mulder* court, there is a reasonable expectation of privacy requiring fourth amendment protection.

A Federal district court in Maine³⁴ upheld subsequent laboratory testing that merely confirmed an earlier field test. The police, after receiving a package suspected of containing cocaine from a private search, first conducted a field test and then sent the evidence to a laboratory for further testing. In assessing the remaining privacy interests in the substance, the court used a balancing test in which the nature and quality of the individual's fourth amendment interests are weighed against the importance of the governmental interests alleged to justify the intrusion. In this case, unlike *Mulder*, a field test was conducted which revealed that the substance was cocaine. The subsequent chemical tests were performed to verify what was already known to a virtual certainty, and therefore, the privacy interest was considered minimal.

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... a person will not be held to have acted as a police agent merely because of the presence of a police officer who is an interested party.

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search by intruding upon remaining legitimate privacy interests. For example, in a Ninth Circuit Court of Appeals case,³² airline employees located a clear plastic bag containing white powder when they opened a piece of luggage damaged on a conveyer belt. The bag, which was punctured and spilling forth its contents, was

locked on the bag and located several clear plastic bags containing over 10,000 tablets inscribed with the lettering, "LEMMON 7/14." A DEA agent was given custody of the tablets and sent them to a government laboratory, where they were tested using mass spectrometry, infrared spectroscopy,

In a case considered by the Supreme Court of Tennessee,³⁵ police received a rifle obtained from a private party who had searched the defendant's premises. Ballistics testing was conducted to show that cartridges found near a murder scene had been fired from the seized weapon. The defendant argued that a warrant was required before such testing because it constituted a significant expansion of the scope of the original search. The Tennessee court disagreed and found that the subsequent testing of the rifle did not compromise any remaining interest in privacy and was, therefore, not a search under the fourth amendment.

The balancing tests which the courts in the preceding cases performed in order to evaluate remaining privacy interests apply *only* when police receive evidence from a search conducted by a private party. An officer who lawfully seizes items pursuant to a search warrant or a recognized exception to the warrant requirement can conduct additional laboratory tests without obtaining another search warrant. Thus, the Ninth Circuit Court of Appeals, in refusing to require a search warrant to perform chemical tests on blood samples lawfully obtained by the police, stated that the "evidence tested in *Mulder* was seized pursuant to a 'private search,' and its reasoning and holding are limited to that context."³⁶

Part II of this article will further examine the scope of the *Burdeau* rule by discussing the following issues: (1) Searches by government employees who are not police, (2) the definition of a "private" party, and (3) the inter-

ception of communications by private parties.

(Continued next month)

Footnotes

¹256 U.S. 465 (1921).

²*Id.* at 476.

³*Id.* at 475.

⁴*Weeks v. United States*, 232 U.S. 383 (1914).

⁵*Burdeau*, 256 U.S. at 475.

⁶*Mapp v. Ohio*, 367 U.S. 64 (1961).

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... failure to stop the illegal activity will make the search subject to the fourth amendment and the exclusionary rule.

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⁷See John J. Burke, "Searches by Private Persons," *FBI Law Enforcement Bulletin*, October 1972, pp. 22-26, for discussion of the *Weeks* and *Mapp* cases and the inapplicability of the exclusionary rule to private party searches.

⁸*Burdeau*, 256 U.S. at 476.

⁹442 N.E.2d 1021 (Ind. 1982).

¹⁰*State v. Dold*, 722 P.2d 1353, 1356 (Wash. App. 1986).

¹¹*Illinois v. Andreas*, 463 U.S. 765, 769 (1983).

¹²*People v. Vought*, 528 N.E.2d 1095 (Ill. App. 2 Dist. 1988).

¹³*State v. Zagorski*, 701 S.W.2d 808 (Tenn. 1985).

¹⁴*People v. Nash*, 341 N.W. 439 (Mich. 1983).

¹⁵403 U.S. 443 (1971).

¹⁶See e.g., *United States v. Walther*, 652 F.2d 788 (9th Cir. 1981).

¹⁷See e.g., *People v. Fierro*, 46 Cal. Rptr. 132 (1965).

¹⁸See e.g., *State v. Cox*, 674 P.2d 1127, 1129 (N.M. App. 1983).

¹⁹378 F.2d 588 (9th Cir. 1967).

²⁰*United States v. Davis*, 482 F.2d 893 (9th Cir. 1973).

²¹See e.g., *Stapleton v. Superior Court*, 447 P.2d 967 (Calif. 1968).

²²See e.g., *Moody v. United States*, 163 A.2d 337 (D.C. App. 1960); *United States v. Jennings*, 653 F.2d 107 (4th Cir. 1981); *United States v. Entriger*, 532 F.2d 634 (8th Cir. 1976); *United States v. Walsh*, 791 F.2d 811 (10th Cir. 1986).

²³*United States v. Black*, 860 F.2d 1080 (6th Cir. 1988).

²⁴771 F.2d 83 (5th Cir. 1985).

²⁵*Id.* at 89.

²⁶See *State v. Thetford*, 745 P.2d 496 (Wash. 1987) for a similar ruling by the Supreme Court of Washington concerning an independently motivated search by a criminal informant. See also *Hooper v. Sacks*, 823 F.2d 597 (4th Cir. 1987) in which the court finds that the plaintiff in a civil suit against the defendant is not a government agent after bringing to law enforcement authorities evidence of medical fraud obtained from civil discovery. Important to this holding was the

finding that there was no direction or encouragement of the informant by the government to use the civil deposition as a method of collecting evidence in a criminal case.

²⁷389 U.S. 347 (1967).

²⁸*Id.* at 361; for a discussion of *Katz* and an overview of U.S. Supreme Court rulings concerning areas which lack a reasonable expectation of privacy, see Kimberly A. Kingston, "Reasonable Expectation of Privacy Cases Revive Traditional Investigative Techniques," *FBI Law Enforcement Bulletin*, November 1988, pp. 22-29.

²⁹100 S.Ct. 2395 (1980).

³⁰104 S.Ct. 1652 (1984).

³¹*Id.* at 1662-1663.

³²*United States v. Miller*, 769 F.2d 554 (9th Cir. 1985).

³³808 F.2d 1346 (9th Cir. 1987).

³⁴*United States v. Clark*, 695 F.Supp. 1257 (D. Me. 1988).

³⁵*State v. Zagorski*, 701 S.W.2d 808 (Tenn. 1985).

³⁶*United States v. Snyder*, 852 F.2d 471 (9th Cir. 1988). See also *State v. Moretti*, 521 A.2d 1003 (1987), for a similar holding.

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.

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 1984
Retouched photographs taken 1984

Roy Creighton Blakeney,

also known as Ray Creighton Blakeney, Ray Creighton Blakeney, Roy Blakeney, Roy C. Blakeney, Roy C. Blackeney, Roy C. Blackenley, Vincent Grassi, Ed Harvey, "Butch."

W; born 10-18-40 (true date of birth); 10-18-35; Miami, FL; 5'6"; 180 lbs; large bld; brn (balding) hair; brn eyes; med comp; occ-self-employed jeweler, furniture dealer, car salesman; scars and marks: Scar on left leg from hip to knee.

Wanted by FBI for MANUFACTURE, DISTRIBUTION, DISPENSE AND POSSESSION OF METHAMPHETAMINE WITH INTENT TO DISTRIBUTE AND DISPENSE

NCIC Classification:

23041216061712161711

Fingerprint Classification:

23 L 1 U IOO 6

L 1 U OOO

I.O. 5049

Social Security Number Used: 263-56-1309

FBI No. 824 350 C

Caution

Blakeney has been convicted of attempted burglary and possession of burglary tools. He is an organized crime figure with known drugs activity involving the Hells Angels motorcycle gang. He should be considered armed and dangerous.



Left index fingerprint



Photograph taken 1975

Ronald Harland Saurman,

also known as Ron Lydell, Ronald McDonald, Ronald H. Saurman, Mr. Snow. W; born 1-28-46 (true date of birth); 1-1-46; 1-26-46; New York, NY (true place of birth); Grand Rapids, MI; 6'; 160 lbs;

med bld; brn (may be dyed blonde) hair; blue eyes; med comp; occ-musician, pilot, ranger, self-employed retailer; remarks: Saurman is an alleged buyer of expensive Indian artifacts. He may be in possession of high-quality false passports and other fictitious identification.

Wanted by FBI for RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS; CONTROLLED SUBSTANCE ACT

NCIC Classification:

16520413091355111106

Fingerprint Classification:

16 M 1 R III 9 Ref: T
M 1 R IOI R

I.O. 5039

Social Security Number Used: 385-46-3336

FBI No. 702 556 F

Caution

Saurman, a convicted cocaine trafficker, is believed to be armed with weapons and should be considered armed and dangerous.



Right ring fingerprint



Photographs taken 1980 and 1982

Cheri Laverne Dalton,

also known as Nehanda Abiodun, Betty Carter, Betty W. Carter, Cheri Cotton, Laverne Cheri Dalton, Betty Jackson, Nehanda Obafemi, "Flame," "Lamb Chops," "Red," and others.

B; born 6-29-50 (not supported by birth records); 4-28-52; 6-29-59; New York, NY (not supported by birth records); 5'6" to 5'10"; 125 to 130 lbs; slender bld; black (dyed red) hair; brn eyes; light comp; occ-detoxification therapist, accupuncturist, writer; remarks: Reportedly uses cocaine heavily; scars and marks: Visible freckles over bridge of nose and cheek bone area of face.

Wanted by FBI for RACKETEERING; RACKETEERING CONSPIRACY; ARMED ROBBERY; HOBBS ACT-COMMERCIAL INSTITUTION; OBSTRUCTION OF CRIMINAL INVESTIGATION

I.O. 5046

Social Security Number Used: 054-40-7429

FBI No. 80 317 AA1

Caution

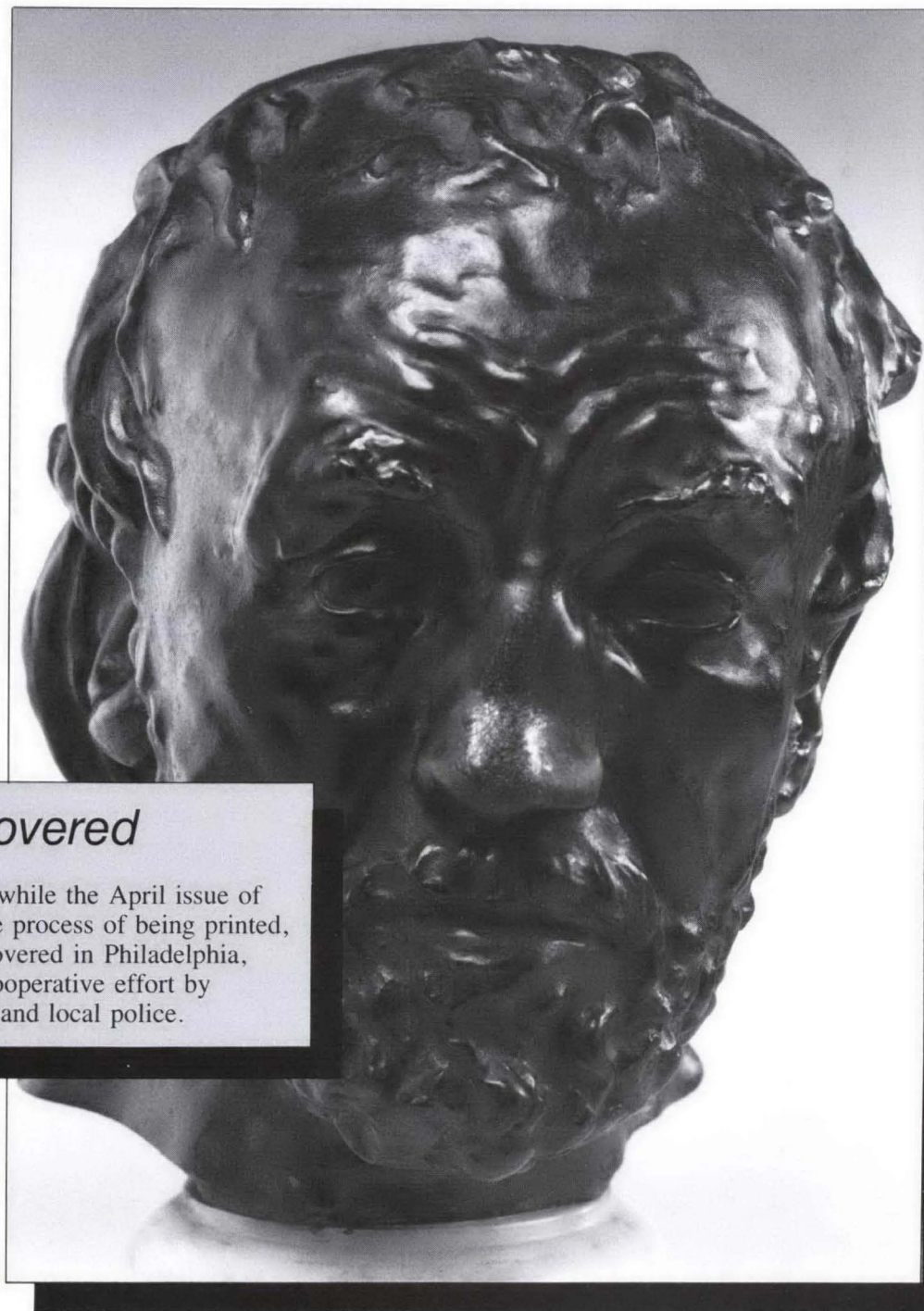
Dalton is being sought in connection with an armored car robbery which resulted in the killing of two police officers and one guard and the wounding of one officer and two guards. Dalton is known to associate with revolutionary organizations which have a propensity for criminal activity and violence against law enforcement officers. Dalton should be considered armed and dangerous.



Right thumbprint
(Best obtainable print)

Major Art Theft

On November 23, 1988, the sculpture *Mask of the Man with the Broken Nose* by Auguste Rodin, valued at approximately \$100,000, was stolen at gunpoint by a lone male from the Rodin Museum in Philadelphia, Pa. Information concerning this theft should be directed to the FBI's Philadelphia Office at (215) 629-0800. Refer to their file number 87A-30870. You may also contact the National Stolen Art File, FBI Laboratory, Washington, DC, telephone (202) 324-4434.



Art Work Recovered

On March 10, 1989, while the April issue of the *Bulletin* was still in the process of being printed, Rodin's sculpture was recovered in Philadelphia, Pennsylvania, through a cooperative effort by Special Agents of the FBI and local police.

Washington, D.C. 20535

Official Business
Penalty for Private Use \$300
Address Correction Requested

The Bulletin Notes

On March 5, 1988, Officer Ronald St. Onge of the Plymouth, CT, Police Department was on routine patrol when he saw smoke coming from a parked car. After calling for assistance, he pulled the unconscious driver from the automobile while also directing a semi-conscious passenger out of the car, which had caught fire. At this time, Officer St. Onge was joined by Officer Elbert Fuller of the same department, who had answered his call for help. Together, the two officers pulled a semi-conscious woman from the back seat of the car only seconds before an explosion which could have taken her life. Thanks to the actions of Officers St. Onge and Fuller, none of the three occupants of the automobile were injured. The *Bulletin* is pleased to join in recognizing these officers' heroic actions in the line of duty.



Officer St. Onge



Officer Fuller