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Clarence M. Kelley, Director

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CONTENTS

MESSAGE FROM THE DIRECTOR

Criminal offender records—should they be sealed? 1

RIVER PATROL, by Col. Russell S. McDaniel, Chief, Jefferson County Police Department, Louisville, Ky. 3

MOTOR VEHICLE THEFTS—A UNIFORM CRIME REPORTING SURVEY

"During the past quarter century . . . the volume of motor vehicle theft has increased 493 percent." 7

IMPOUNDING PREMISES (Conclusion), by John Dennis Miller, Special Agent, Federal Bureau of Investigation, Washington, D.C. 11

EYE IN THE SKY, by Hon. Glen Craig, Commissioner, California Highway Patrol, Sacramento, Calif. 16

NCIC PARTICIPANTS MEET

21

ESTABLISHING AN INTERNAL PHOTOGRAPHIC UNIT, by Gerald B. Richards, Special Agent, Federal Bureau of Investigation, Washington, D.C. 22

A COMMUNITY APPROACH TO JUVENILE DELINQUENCY, by Capt. William H. Logan, Jr., Commander, Investigations Division, Police Department, Evanston, Ill. 28

WANTED BY THE FBI

32

THE COVER

The police helicopter, shown in this month's cover photo, greatly assists in patrolling and providing emergency service to the Nation's waterways. See article beginning page 3.



Message from the Director . . .



SOME WELL-MEANING PROPOSALS to further safeguard the privacy of individuals unfortunately threaten seriously the law enforcement profession's ability to combat crime. These efforts in behalf of privacy persist in the face of an alarming rise in nationwide levels of lawlessness in nearly every category of serious crime. Surely, crime conditions implore us to strengthen, not weaken, police resources.

Overall, serious crime in 1974 recorded its largest increase in 14 years. Violent crimes jumped 11 percent, while property crimes spurted 17 percent. Rural, suburban, and large metropolitan areas alike similarly reported substantial increases in crime as did each of the Nation's four geographical regions. Reports of offenses compiled thus far this year continue this frightful trend.

The most potentially harmful proposals to law enforcement efforts are those that would, after stipulated periods of varying length, seal criminal offender records, commonly known as "rap sheets," from examination by law enforcement agencies. Certainly, these proposals have the very best intention: to prevent a rehabilitated offender's or arrested and unconvicted person's record from exposing him to embarrassment or worse forms of public notice for the remainder of his lawful life. However noble is the purpose, the proposals to seal certain criminal offender records strike harshly at a pivotal resource to law enforcement investigations. These records are of invaluable assistance to law enforcement agencies, which commonly employ them at the outset of many investigations to quickly winnow

logical suspects from dozens and even hundreds of possibilities. Criminal offender records permit this to be done by virtue of the positive, personal identifying data only they contain.

Indeed, should many criminal offender records be sealed or their examination delayed in the fast-moving pace of most criminal investigations, law enforcement agencies would be obliged to turn to the personal recollections of the investigating officers or resort to other less exact institutional-type records. Needless to say, such conditions could very easily expand the risks of invasion of privacy which the proposals are designed to minimize.

Furthermore, unless criminal rehabilitation programs show dramatic and unexpected improvement, it is a fact established by countless criminal recidivist studies that persons once involved with some significant violation of the law are much more likely to commit a crime than those who have no police record.

One has only to look at the sordid lawbreaking backgrounds of police killers to grasp the impact criminal recidivism has on the course of police investigations. In the murders of 858 officers during the period 1964-73, for example, of the police killers identified, 42 percent had been previously arrested for a violent crime, 59 percent had been convicted of a prior criminal charge, and 77 percent had been arrested before on a criminal charge. Yet some of the proposals to seal criminal records would deny the police on patrol—in which assignment 68 percent of the 858 officers met their deaths—critical, possibly

MESSAGE

life-saving, information on a suspect encountered on the street.

Privacy is an intangible and lofty goal. Still, there is no doubt it must be pursued with constant vigilance. But in doing so, let us ask ourselves some frank questions: Is any degree of privacy achieved by sealing certain criminal records of the few worth the added jeopardy this action would bring to the many law-abiding citizens and to a growing legion of persons who no longer feel

safe from crime on the streets of their neighborhoods and even in their homes and places of employment? Must not privacy and the many other benefits of a mature society begin with the control of rampant criminality?

It seems to me that the privacy of individuals is scarcely served, and the community unnecessarily endangered, by shackling law enforcement efforts with the sealing of certain criminal offender records.

AUGUST 1, 1975


CLARENCE M. KELLEY
Director

Saving a life.

It seems that police officers place greater emphasis on that responsibility of policing than on any other of their profession. Whether it's starting a heart that has ceased to function or pulling an innocent victim from a sniper's fire, the end result rewards an officer with the feeling of having attained the highest honor in a lifetime.

There are 14 men assigned to the Jefferson County Police Department who save lives every day, although

few records are kept of their success. They're members of the department's River Patrol.

On call 24 hours a day, this unit, commanded by Lt. George Winstead, is responsible for patrolling approximately 38 miles of the Ohio River which runs the length of Kentucky's northern border. At its narrowest point within our jurisdiction, the river is about one-half of a mile wide, and at its widest point, it is about three-fourths of a mile. Depths of the river range from 30 feet at the foot of

Fourth Street in downtown Louisville to about 80 feet just east of the city. Within this 38 miles of heavily commercially traveled waterway are five islands, some of which can prove treacherous to pilots of sand barges and other large watercraft plying the Ohio.

The River Patrol was established in 1963 as a mobile unit. However, the two watercraft assigned the patrol had to be put in and taken out of the water with such regularity that it soon became an economically failing unit. But

Aerial view of McAlpine Locks and Dam (Louisville's downtown business district is at upper right).

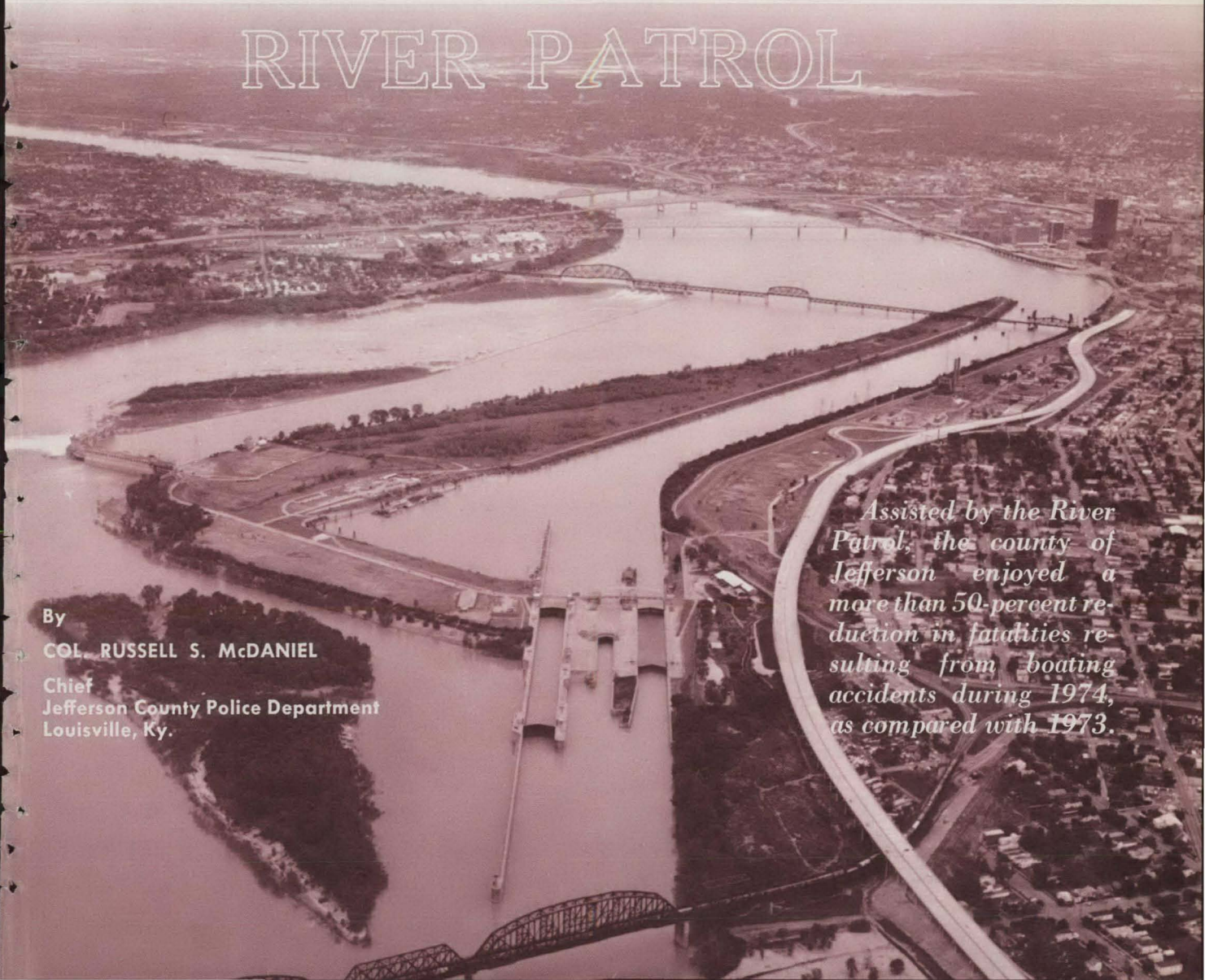
RIVER PATROL

By

COL. RUSSELL S. McDANIEL

Chief
Jefferson County Police Department
Louisville, Ky.

Assisted by the River Patrol, the county of Jefferson enjoyed a more than 50-percent reduction in fatalities resulting from boating accidents during 1974, as compared with 1973.





Col. Russell S. McDaniel

in late 1972, when the Jefferson County Police Department moved into the old Coast Guard station at Third Street and River Road, a fixture in downtown Louisville for over 90 years, docking facilities became available and substantial economies were realized.

Prior to that year, when the department was being considered among numerous other applicants for the station, many officers did not believe in the feasibility of operating the patrol. Today, the skeptics have become some of the patrol's strongest supporters—praising the accomplishments of this specialized group of men who have been able to assist in helping the county of Jefferson enjoy a more than 50-percent reduction in fatalities resulting from boating accidents during 1974, as compared with

1973. This amazing statistic in itself proves the Jefferson County Police Department's River Patrol worthwhile, not only in the area of law enforcement on the local waterways, but in safety on the river.

Station and Facilities

Solid white with navy blue trim, the floating 90- by 45-foot Jefferson County Police station has nearly all the capabilities of an oceangoing vessel. There are crew's quarters, a commanding officer's suite, lounge, reception area, galley, store rooms, and an exercise room. The station even has a crow's-nest and gangway leading to the facility.

Although the station depends on land lines for its electrical current, it is capable of generating its own from the power of a 210-horsepower diesel engine located on the outboard side of the station which is ready for use, as is the entire station, on a 24-hour-a-day, 365-days-a-year basis.

The River Patrol has a complement of four boats. One of these is used primarily for dragging operations or for retrieval of material from underhanging branches and trees that border the river.

Two of the boats are specially designed fiberglass-hulled boats which displace only 12 inches of water and are equipped with tunnel-drive propeller features which allow them to

operate in very shallow water. The fourth boat is a 26-foot cabin cruiser equipped with restroom, tables, stove, sink, and sleeping area. The 440-horsepower motor provides speed and power to outrun or outmaneuver most other river craft, as well as providing quick assistance to boaters in need.

Assisting the water patrol is the Jefferson County Police Helicopter Unit which recently purchased a second helicopter equipped with pontoons. The overriding theme of this craft is safety on and over the water. It is also equipped with a litter stretcher.

But even with these diversified pieces of equipment, it may become necessary in the near future to expand the fleet of the River Patrol. With the recent acquisition of both Six and Twelve Mile Islands and the dubbing of those islands as future recreational sites, the job of the River Patrol will grow.

Emergency Situations

Although the River Patrol spends much of their time on boating safety, they are not disoriented or separated from normal police functions. In October 1974, members of the patrol became involved in an altercation with a Louisville motorcycle gang, when a member of the latter organization accidentally drowned after an encounter with an officer. A few years before that, two separate incidents involving snipers from the Kentucky shore and on the river at the Kentucky side prompted patrol officers to become more familiar with heretofore unforeseen water-related criminal activities. An in-house defensive education program was instituted, and today, the

“... the floating 90- by 45-foot Jefferson County Police station has nearly all the capabilities of an oceangoing vessel.”

The Jefferson County Police Department station was formerly a Coast Guard station, a fixture in downtown Louisville for over 90 years.





Coordination and timing are of the utmost importance when air and water units work together in a rescue operation.

men are considered better equipped to handle any situation.

Although outside the city limits and, therefore, somewhat separated from the mainstream of Jefferson County, the River Patrol enjoys a good and coordinated working relationship with the Louisville Division of Police. In fact, the first vehicle to arrive at the River Patrol station when an officer recently called for assistance was from the Louisville police.

In mid-March 1972, the Jefferson County Police river station (at that time under Coast Guard control) played a key role in the safe removal of a liquid chlorine gas-laden barge wedged in the Ohio River's McAlpine Locks. The barge had broken loose from a "pusher" barge and was swept downstream, only to become jammed dangerously in the river-controlling facility for 20 days. If it had ruptured, escaping chlorine gas could have been lethal to residents for miles around.

During those critical days, while members of the National Guard, Civil Defense, Louisville police, and this

department were busy evacuating some 4,000 persons from the Portland (northwestern) area of Louisville, the river station was busy storing medical and survival supplies for any tragedy resulting from the deadly contents of the stuck barge. The crew's quarters on the second level were turned into an emergency room equipped to handle any situation. Because of the position of the station, less than one-half of a mile from where the lodged barge was located, it could provide one of the most expeditious medical and emergency facilities possible.

For more than 18 days, members of several agencies experimented with ways to remove the barge without sending it crashing through the lock and spreading its lethal cargo. Then, in late March, the captain of a catamaran piloted his craft to the Louisville area and began a series of careful maneuvers in order to straddle the barge with his twin-hulled vessel. After several days of inclement weather and other delays for one reason or an-

other, he finally removed the disabled barge from the lock, and shortly thereafter, the river was again opened to normal operations.

Derby Festivities

The professionalism of the members of the River Patrol doesn't stop in emergency situations. It also comes into play during the Kentucky Derby festivities that precede the most famous horserace in the world.

Since city and county officials accentuate Louisville as being the "River City," it is obvious that many of the pre-Derby events take place on the river. In 1974, for example, there were a high diver off the Clark Memorial Bridge, trick skiers, hang gliders, a speedboat race, and even an old-fashioned sternwheeler race between Cincinnati's *Delta Queen* and the *Belle of Louisville*—all before more than 100,000 onlookers—at the pre-race celebration.

The members of the River Patrol retrieved the high diver and hang glid-

er and sealed off the area where the skiers were demonstrating their skills and the speedboat race was being conducted. They also, in cooperation with the Kentucky Division of Water Enforcement and the U.S. Coast Guard, provided an escort for the two excursion boats during their 2-hour duel.

Water Safety

Members of the River Patrol provide a wide variety of services which include: general assistance to boaters and onshore protection of harbors, docks, mooring areas, and launching ramps; rescue operations; inspection of boats for proper equipment; and enforcement of the law on the waterways. The patrol officers have carried their functions one step further—into the area of community relations.

Operating on a four-platoon basis, the patrol has been partially responsible for educating more than 2 million people in Kentucky, since 1972, in the area of boating safety. Of those 2 million persons, 472,000 were from Jefferson County alone—more than half the population of the county.

Because of the steady increase in boating enthusiasts, the River Patrol has found it necessary to hold a boating school during the summer months at the station. Thus, the men turned their crew's quarters into a classroom in an effort to educate the public on ways to insure that the fast-growing recreational hobby is a safe one. Some persons are asked to volunteer for the classes, and others are referred to them by the courts as a result of some watercraft-related infraction.

Boat safety school is held on much the same basis as motor vehicle traffic school with violators being referred from the same quarterly court sessions.

The classes, 3 hours in length for 3 weeks, include slide and motion picture presentations, as well as lectures and demonstrations on the correct way

"Members of the River Patrol provide a wide variety of services. . ."

to use equipment. The sessions were designed and effected solely by the Jefferson County Police River Patrol.

The patrol has also carried their safety awareness classes free to numerous civic groups in the community whose members may have water-related recreational interests.

So adept are the men, many of whom have previous naval training, in their work that recently they were awarded a Presidential Unit Citation from the National Water Safety Congress, an organization made up of members from national and State agencies with involvement in water-related recreation, information, education, or enforcement. Some of its members include this department, the Kentucky Division of Water Enforcement, the Louisville District of the U.S. Army Corps of Engineers, the U.S. Coast Guard, and other national agencies. One of the members of the River Patrol received the same citation but on an individual basis for his personal efforts in educating the public concerning boating safety and waterway law enforcement.

National Water Safety Congress

The National Water Safety Congress was conceived with one purpose in mind—to provide a method of getting to the largest number of people in the shortest period of time to make them aware of the dangers facing them in using the lakes and rivers for water recreation. The program is not intended to be an education course in any one element of water safety, but

The River Patrol has initiated many new safety programs.

to whet the appetite of the public for additional information and education in water safety.

Logging more than 100,000 man-hours in presentations and displays during 1973 alone, members of the congress have also carried their message on boating safety to the electronic media for maximum exposure. Periodically they are called to appear on a television program to explain the proper and improper ways of boating.

At no time during any of these demonstrations or presentations is there an attempt to convey to the audience an authoritarian police philosophy. Rather the patrol spokesman shows his concern for the individual and emphasizes that he is there to assist in making the public's recreation activities safer and more fun. Citations or fines are not mentioned. If any acts or negligence could result in a fine or citation, the danger of such occurrences are explained rather than the fact that they could result in a fine. All laws and regulations are explained on this constructive basis rather than from the punishment standpoint.

At all costs, the idea of any implied police threats, like "We'll get you if you're not careful," is eliminated from the programs. Service is the keyword of the patrol.

So concerned for the public welfare are the members of the River Patrol that they have initiated many new safety programs. One is a study into why drownings occur. After intensive research, it was determined that insufficient facts were available concerning this phenomenon. Therefore, if some positive results can be realized from this study, fatality rates may be lowered for swimmers, boaters, and other persons using the waterways.

And if a study of this problem can list even one detail that will help save lives, the Jefferson County Police Department's River Patrol can help further solve what they term the "people problem."

Motor Vehicle

Thefts—

A Uniform Crime Reporting Survey

"The American motorist and his automobile are a paradox. Aside from its essential and utilitarian function in our daily lives, the automobile has become a symbol of pride, achievement and often an object of sheer affection. From the outset of its purchase to the first—almost ceremonial—drive with the entire family aboard, and its prideful display to admiring friends and neighbors, the automobile has reserved for itself a very special place among our possessions.

"And, there is nothing unusual in this. For the majority of owners the automobile is a property expenditure second only to that of his dwelling. Moreover, it is a contemporary expression of the restless, inventive energy of our American technology and the free, independent spirit of our citizenry. Yet, through all this practical, emotional and monetary attachment to the automobile, there emerges convincing evidence that it is one of the motorist's most carelessly neglected possessions!"

—J. Edgar Hoover

Excerpted from "Fuel for Thoughtful Motorists," 1966.

During the months of September and October 1974, a 2-month nationwide survey was conducted concerning thefts of motor vehicles. The 137,975 motor vehicle thefts reported in the survey represented about 85 percent of all vehicles reported stolen. More than 5,900 law enforcement agencies representing 69 percent of the U.S. population participated in this survey. These agencies serve cities and counties varying in popu-

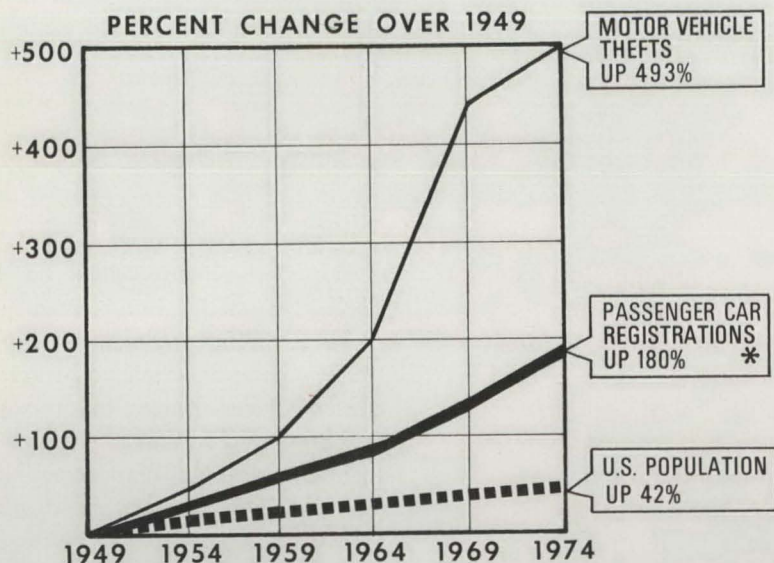
lation from under 2,500 to those over 1 million.

The motor vehicle has become a significant influence in the life of each citizen. It has been reported that nearly every occupation in the United States is dependent to some degree, directly or indirectly, on the motor vehicle or its use. Furthermore, one in every six jobs is dependent on the manufacture, distribution, service, or commercial use of motor vehicles.

Theft of the motor vehicle has long been a major law enforcement problem, as well as one of the significant indicators of the crime problem in the United States. During the past quarter century (1949–74), the volume of motor vehicle theft has increased 493 percent. This increase gains significance when compared to increases in population and passenger car registration. The population has increased 42 percent and the passenger car registrations have increased 180 percent during this same 25-year period.

In an effort to further understand the present-day motor vehicle theft problem, the Vehicle Theft Committee of the International Association of Chiefs of Police requested the Uniform Crime Reporting Section of the Federal Bureau of Investigation and the Canadian Dominion Bureau of Statistics to conduct a survey in the United States and Canada. Questionnaires were furnished to more than 12,000 United States and Canadian law enforcement agencies. The results clearly confirm that motor vehicle theft is largely an urban problem. Two-thirds of the thefts reported in this survey were within cities and counties with over 100,000 population. More than 85 percent of all motor vehicle thefts reported in the survey were in cities with over 25,000

MOTOR VEHICLE THEFTS PASSENGER CAR REGISTRATIONS and U.S. POPULATION 1949 - 1974



* SOURCE OF PASSENGER CAR REGISTRATION DATA, R.L. POLK COMPANY.

population and in the suburban counties.

Theft by Type and Year of Motor Vehicles

Data on motor vehicle thefts by type of vehicle were collected as were thefts by model year, which were separated into three groupings. The survey disclosed that nearly 85 percent of the reported stolen vehicles during the survey period were passenger cars while 6 percent were trucks and buses. Motorcycles accounted for 8 percent and the remaining 1 percent were other types of vehicles. Half of the vehicles reported stolen were of the 1968 model year or older, 20 percent were 1969 to 1971 models, and 30 percent were 1972 or newer model vehicles.

The passenger car thefts totaled 116,409 and were divided into six manufacture categories. Police reports disclose that 50 percent were of General Motors Corp. manufacture, 25 percent were Ford Motor Co. makes, 10 percent were Chrysler Corp. products, 11 percent were foreign cars, 2 percent were American Motors Corp. models, and the remaining 2 percent were of other domestic manufacture. The 1972-75 model passenger cars

reported stolen totaled 29,552 of which 40 percent were produced by Ford, 37 percent were General Motors makes, 8 percent were Chrysler products, and the remaining 15 percent were foreign and other domestic makes.

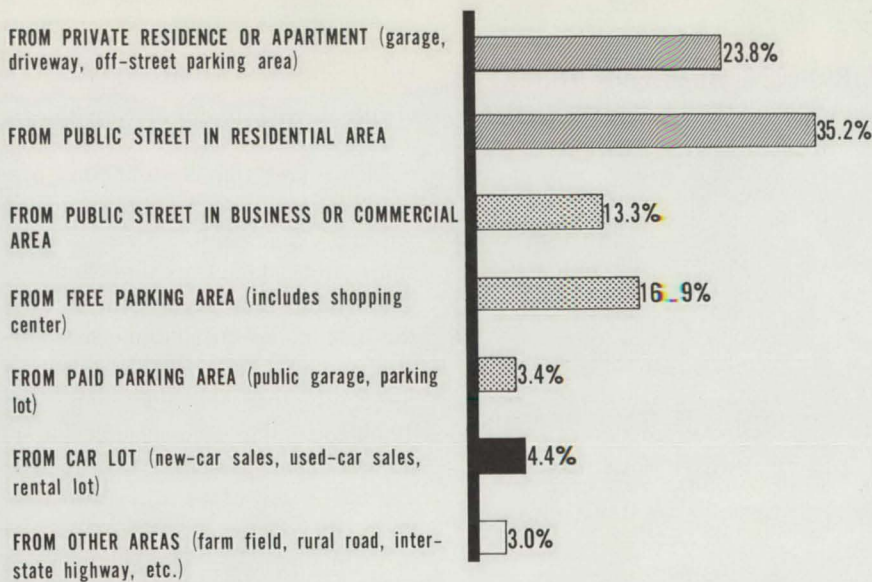
Time and Place of Theft

Over half of the motor vehicles (59 percent) were stolen from private residences, apartments, or streets in residential areas. This was also true during a prior survey conducted in November 1962. When considering just those vehicles stolen in residential areas during September and October 1974, it was determined that about two-thirds of these thefts occurred between 6 p.m. and 6 a.m. Vehicles stolen from streets in business or commercial areas, shopping centers, and parking lots made up 34 percent of the theft total, and 52 percent of these were stolen after 6 p.m. Fifty percent of the vehicles stolen in business areas were stolen from free parking areas such as shopping centers. Vehicles stolen from new-car sales agencies, used-car lots, and rental car companies accounted for 4 percent of the total cars stolen. In one of every four thefts, these victims did not know when their car had been stolen. The incidence of auto theft by time of theft for all cars accounted for in the survey revealed that 59 percent were at night, 30 percent were during the day, and in the remaining 11 percent, the victims were unable to determine the time of theft.

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MOTOR VEHICLE THEFT BY LOCATION

September - October, 1974



Condition of Vehicle Ignition at Time of Theft

Victims of motor vehicle thefts admittedly left keys in their vehicles in about 14 percent of the incidents during the September and October 1974 survey. Sixty-four percent of the victims claimed the key was not in the vehicle at the time of theft, and in 22 percent of the thefts, the condition of the vehicle ignition was not reported. In a parallel survey conducted in selected cities and directed at the examination of recovered stolen passenger cars, it was found that 17 percent of the recovered passenger cars had the key in the ignition.

The key was reportedly left in the car in 11 percent of the thefts from residential areas, 16 percent of the thefts in business or commercial areas, and 32 percent of the thefts from car agencies. A closer look at the reported thefts from used-car lots, new-car agencies, and rental companies revealed almost one-third of the vehicles had the key in the vehicle when stolen, one-third were in an unlocked and/or

unknown condition, and the remaining one-third were locked with the key removed.

During the November 1962 survey, it was determined that the key was in the car or the ignition was unlocked in 42 percent of the thefts. One could make various conclusions about what this trend indicates. Many believe the reduction is due to warning devices on passenger cars and increased awareness by the motoring public to remove the keys. It is significant, however, that many persons continue to leave keys in vehicles allowing this problem to continue.

Purpose of Theft

In most instances, based on mere recovery of a stolen motor vehicle, police departments cannot determine the purpose of theft. Law enforcement agencies within 44 metropolitan areas of the United States examined stolen late-model (1972-75) passenger cars recovered during the survey period. These agencies reported 38 percent of the recovered cars had been stripped,

35 percent were used for transportation or "joyriding," 3 percent were used in another crime, and officers could not determine the purpose of theft in the remaining examinations of recovered cars. It was not possible to tabulate vehicles stolen specifically for resale until the thief or theft ring was identified and/or the car came to the attention of the police. In the parallel survey within selected cities, police identified 131 cars of the 10,014 cars they examined as having been stolen for resale. One can only conjecture as to how many of the cars not recovered were stolen for resale.

Offenders Arrested

During this 2-month survey, 2,265 law enforcement agencies reported arresting 18,492 persons for motor vehicle thefts. Of these arrested persons, 15,465 were in possession of the stolen motor vehicle when arrested. In 54 percent of the possession arrests, the offender was under 18 years of age, 31 percent were 18 to 24 years of age, and the remaining 15 percent were 25 and over.

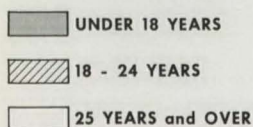
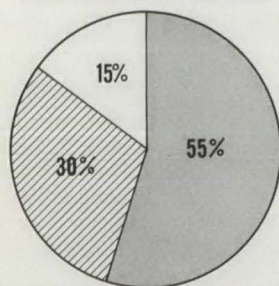
Police were assisted through a "computer hit" in establishing probable cause to make 34 percent of all arrests of persons in possession of stolen vehicles. The computer hit assisted in 39 percent of arrests in vehicles of persons 18 and over and 29 percent of arrests in vehicles of persons under 18 years of age.

Criminal history information was collected during the survey on 15,809 persons arrested for motor vehicle theft within 1,988 law enforcement agencies. Of these persons, 42 percent had no prior arrest history, 36 percent had a prior arrest history for offenses other than motor vehicle theft, and 22 percent had a prior motor vehicle theft arrest. Motor vehicle thefts continue to be motivating factors for juveniles embarking on what could become serious criminal careers.

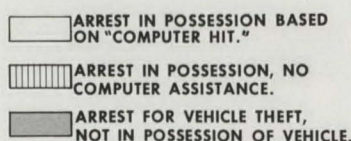
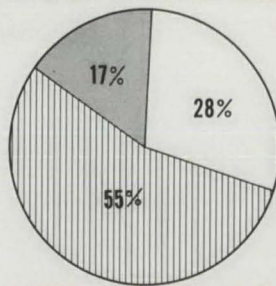
AGE AND CIRCUMSTANCES OF PERSONS ARRESTED

Motor Vehicle Theft September - October, 1974

AGE OF OFFENDER



CIRCUMSTANCES OF ARREST



Forty-eight percent of the young offenders arrested during the survey had no arrest history prior to arrest for motor vehicle theft.

Recovery of Stolen Vehicles

During this 2-month survey, participating law enforcement agencies recovered more than 93,000 stolen motor vehicles. Three out of four of the vehicle recoveries occurred within the same jurisdiction where the vehicle had been stolen. The study revealed 62.4 percent of the stolen vehicles recovered were located within 48 hours of the time of theft. Of vehicles recovered, 88 percent were passenger cars, 6 percent were trucks and buses, 5 percent were motorcycles, and the remaining 1 percent were other types of vehicles. When comparing the total number of vehicles recovered to the total number of vehicles stolen during this survey, the recovery percentage was 69.3 percent.

The motor vehicle recovery percentage for cities over 100,000 in population was 69.6 percent. The median

recovery percentage for these cities was 72.6 percent. This indicates that half of the agencies reporting had a recovery percentage of more than 72.6 percent and the other half had a lower recovery percentage. The range in recovery percentage, lowest to highest, was 28 to 99 percent.

The interquartile range was from 63 to 80 percent, meaning that half of the agencies had recovery percentages in this range. This also means that

three-fourths of all agencies recovered 63 percent or more of the stolen vehicles, while one-fourth of the agencies recovered less than 63 percent of the vehicles stolen.

Analysis of Passenger Car Thefts

This survey, for the first time, presents detailed information regarding passenger car thefts. Many conclusions can be made from these findings. One of the most significant facts is that late-model cars, though more desirable to possess, are being stolen less frequently than the older cars. The 1968 and older cars account for 42 percent of all passenger cars in use; yet, 55 percent of all cars stolen were these older model cars. The 1972 and newer model cars made up 30 percent of cars in use, while 25 percent of the cars stolen were of these model years. The steering column ignition lock and key-in warning system appear to have made an impact on the passenger car theft problem.

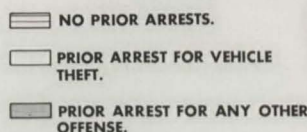
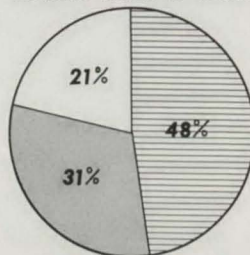
Overall, the results of this survey should provide many helpful guidelines for car owners, law enforcement officials, and automobile manufacturers in the protection of this most important item of personal property.

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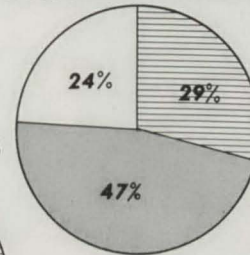
CRIMINAL HISTORIES OF PERSONS ARRESTED

Motor Vehicle Theft September - October, 1974

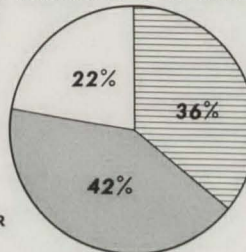
PERSONS UNDER 18 YEARS



PERSONS 25 YEARS and OLDER



PERSONS 18 to 24 YEARS



Impounding Premises

By

JOHN DENNIS MILLER
Special Agent
Federal Bureau of Investigation
Washington, D.C.

This is the conclusion of a two-part article. Part I appeared in the July issue.

Three Scenes

No statute was found which authorized impounding and no cases were located clearly on point. The issue has not been decided. The Supreme Court considered impounding an open question in 1971,²² as did a California court last year.²³ There are a few decisions, however, in which the courts mentioned impounding, and one or two which came very close to deciding the question.

Perhaps the latest hint from the Supreme Court can be found in *Chambers v. Maroney*,²⁴ which was decided the same day as *Vale*. The *Chambers* opinion, immediately after concluding there is no constitutional difference between holding a mobile car while a warrant is obtained and conducting an immediate warrantless search of the vehicle, reads, "The same consequences may not follow where there is unforeseeable cause to search a house. Compare *Vale v. Louisiana* [citation omitted]."²⁵ Was this the Court's answer to Justice Black's question in *Vale*?²⁶

The other relevant cases have fact patterns which depict one of three scenes.

SCENE ONE: The police and the third person(s) are outside the house.

This situation is illustrated by the facts of *Vale*. Notice that the police and Mrs. Vale and James Vale (the third persons) were all outside the house.

During the oral argument of *Vale* before the Supreme Court, Justice Marshall commented to the attorney representing Louisiana, "Once you had found there was nobody in the house, it would only have taken two policemen to watch the place while they [other officers] went to get a search warrant."²⁷ While that suggestion does not appear in the *Vale* opinion, the same thought was expressed by the Supreme Court in *Taylor v. United States*²⁸ and again in *United States v. Jeffers*.²⁹

In *Taylor*, prohibition agents entered the defendant's garage without a warrant and seized 122 cases of whiskey in Taylor's absence. The Court held the evidence was illegally seized and stated, "[T]here was no probability of material change in the situation during the time necessary to secure [a search] warrant. Moreover,

a short period of watching would have prevented any such possibility."³⁰

It is safe to say the Court meant the police could have arrested Taylor if he entered the garage while the warrant was being obtained. But what if Mrs. Taylor arrived on the scene? Did the Court mean the police could have prohibited her from entering the garage pending the issuance of a warrant? An affirmative answer to that question perhaps would require a broad reading of the *Taylor* suggestion.

Jeffers is closer to the point. There the defendant offered money to a hotel employee to allow the defendant to enter a room rented by the defendant's aunts. He explained he had "some stuff stashed" there. Police were notified, determined no one was in the room, searched it, and found narcotics. They did not have a warrant. The Court held the search illegal and then commented, "There was no question of violence, no movable vehicle was involved, nor was there an arrest or imminent destruction, removal, or

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

concealment of the property intended to be seized. In fact, the officers admitted *they could have easily prevented any such destruction or removal by merely guarding the door.*"³¹

Since the defendant's aunts and not the defendant possessed the room, did the Court mean the police could have denied these third persons access to their room while "guarding the door"?

Similar language appears in five recent cases. In both *United States v. Goldenstein*³² and *State v. Jackson*,³³ the police conducted an illegal, warrantless search of unoccupied premises. Both courts suggested the proper procedure was impounding the premises while a warrant was obtained.³⁴ Similarly, after declaring a warrantless entry illegal, the Colorado Supreme Court described securing the apartment while a warrant was obtained "a routine matter."³⁵ Although these three cases can be distinguished from *Vale* since no third persons were present and the only people with a right to possess the premises were persons whom the police could have arrested on sight, they do suggest impounding.

A third person with the right to enter the premises was involved in *State v. Pires*.³⁶ A man discovered his wife and the body of his child in his home and called authorities. Soon thereafter police arrived, removed the deceased and the wife (the defendant), examined the crime scene, and departed. Later they returned and without a warrant searched the house for a second time, and discovered evidence incriminating the wife-defendant. The second search was illegal. If the police were concerned about evidence within the premises being destroyed, the court stated, they could have impounded the house. Such an observation at least suggests the defendant's husband could have been prohibited from entering.

*United States v. Broomfield*³⁷ is an interesting case. Officers arrested the defendant in his front yard. Attired in bermuda shorts, Broomfield asked to go inside the house and change clothes. The officers who accompanied him into the house were concerned about Broomfield's own reputation and that of his associates, as well as the potential for violence in the type of crime involved. Accordingly, they checked the house for their own safety and while doing so observed evidence and weapons. They seized the weapons and decided to obtain a search warrant before seizing any evidence.

Meanwhile, Mrs. Broomfield, who was pregnant and accompanied by a small child, was arrested a short distance away. She was detained in a police car until the arresting officers were informed it was safe to return to the house. After her husband changed clothes and was transported to jail, she was returned to her residence. She and the officers spent the night in the home after attempts to obtain a search warrant that night were unsuccessful. The warrant was obtained the next morning and the seizure of the evidence followed.

Upholding the legality of the police conduct in the case, the court said, "As to the eventual seizure [of evidence within the house after a search warrant was obtained—the police controlling the premises while it was being sought] . . ., nothing more need be said than to refer to *Chambers v. Maroney* [citation omitted]."³⁸ Regardless of the case *Broomfield* used to support its holding, of particular importance is that the police . . . having decided not to incarcerate Mrs. Broomfield overnight but to allow her to spend the evening in her own home with her child who was not under arrest . . . entered the house and spent the night there with the purpose of preventing the possible destruction of evidence,

and the seizure of evidence the next day after the warrant was obtained was lawful.

SCENE TWO: The police and the third person(s) are inside the premises.

Change the facts of *Vale* slightly. Assume the police had chased Vale into his house, arrested him in the living room, and discovered third persons in the house. Observe that the police are lawfully present inside the house and the third persons also are inside the dwelling.

No real case dramatizes the problem better than *Chimel v. California*,³⁹ where the police lawfully entered Chimel's house and arrested him in the presence of his wife. Justice White in his dissenting opinion commented, "Moreover, had the police simply arrested [Chimel], taken him off to the station house, and later returned with a warrant, it seems very likely that [Chimel's] wife . . . would have removed the coins."⁴⁰

Prior to *Chimel* the problem did not exist in cases in which an arrest occurred within the premises because the law allowed police to search the entire house incidental to a lawful arrest therein.⁴¹ But *Chimel*, by changing the rule and limiting a warrantless search incidental to arrest to the immediate area of the arrestee, raised a problem as Justice White observed.

Of course, a risk evidence will be destroyed can be eliminated in those cases in which the police contemplate an arrest on premises, have probable cause for a search warrant, and have the opportunity to obtain one prior to arriving at the scene. But probable cause to arrest is not the same as probable cause to search, and as *Vale* demonstrates, probable cause to search may not arise until after the police reach the scene.

The American Law Institute suggests that *Chimel* prohibits only rou-

tine searching of premises incidental to arrest, not searches incidental to arrest conducted when the evidence sought is likely to be removed or destroyed before a search warrant can be obtained.⁴²

Under exceptional circumstances, some courts have permitted the police to proceed with a warrantless search following a lawful entry to arrest. In *United States v. Doyle*,⁴³ police officers had information the defendant was about to depart. As it would have taken over 1 hour to obtain a warrant, it was lawful to conduct a warrantless search of premises incidental to arrest. *Chimel* was not cited. In *United States v. Pino*,⁴⁴ the police were said to have acted lawfully when they searched beyond the immediate area of the arrestee for narcotics they had observed in the apartment just prior to their entry. It would have taken many hours to obtain a warrant and the officers did not know what other persons were working with the defendant; therefore, there was the danger the narcotics could have been destroyed and the safety of an officer left to guard the premises while a warrant was being obtained would have been jeopardized. The facts of the case arose prior to *Chimel*, but the court makes clear it would reach the same result today. And in *Hailey v. United States*⁴⁵ the need to determine whether narcotics had been removed allowed a search even after it was determined following entry no one was present in the premises.

If the *Pino-Doyle-A.L.I.* exceptions to *Chimel* are valid, there may be no need under exigent circumstances to impound following an entry to arrest because an immediate search for specific items of evidence is permissible.

A California Court of Appeals took a different approach to *Chimel*. Police officers in *People v. Freeny*⁴⁶ approached the Freeny residence soon after Freeny's arrest away from his house. They had been ordered by their

commanding officer to impound the premises while a search warrant was obtained. There had been no prior opportunity to secure the warrant. A woman's scream and the sound of a person running away from the door followed their knock at the door and the announcement of their identity. The police forced entry and arrested Mrs. Freeny. During the period of several hours between the arrest and the arrival of other officers with a search warrant, Mrs. Freeny was detained in her home.

The forced entry was lawful, the court decided, because the police had probable cause to arrest Mrs. Freeny before arriving at her house (other facts in the case are not set out here) and her conduct led the officers reasonably to believe she was in the process of destroying evidence. The fact the police entered also for the purpose of impounding did not render the entry illegal.⁴⁷ The court, asserting *Chimel* supported its conclusion, reasoned *Chimel* could not possibly intend to encourage the destruction of evidence in cases in which the arrest is lawful and there is no prior opportunity to obtain a search warrant. "A fair reading of . . . *Chimel* is that the search [of premises incidental to arrest] must be deferred until the warrant is obtained, but that in the interim between arrest and execution of the warrant the police may do what is reasonable to prevent the disappearance of evidence of the crime."⁴⁸

Clearly, the *Freeny* court would allow impounding the house following a lawful arrest therein. Applying *Freeny* to the hypothetical set of facts in Scene Two (Vale is arrested inside his house and Mrs. Vale is also inside the dwelling), one can conclude the *Freeny* court would allow the police to remain in Vale's house with Mrs. Vale to protect the evidence while a warrant was obtained.⁴⁹

The Supreme Court of California was faced with the following facts in *People v. Edgar*:⁵⁰ A deputy sheriff overheard Edgar, an inmate, tell his mother there were pictures at their home and ask her to hide them until he told her what to do with them. Officers went to the home and were admitted by Edgar's stepfather. The mother arrived soon thereafter. The police informed her they knew about the photographs, asked her for them, and told her she would be arrested for withholding evidence and the police would secure a search warrant if she did not surrender the pictures. She produced the pictures.

The court held the police acted unlawfully in obtaining the photographs, and then made this statement: "They [the police] could have kept his mother under surveillance, and forewarned of what Edgar wished her to do, they were confronted with no substantial risk that she would succeed in putting the pictures beyond their reach before a warrant could be obtained."⁵¹ What did the court mean when it said police could have kept Edgar's mother under "surveillance"? A fair reading of the sentence is that the court would have permitted the officers to follow Edgar's mother throughout the house while other officers obtained a warrant.

Finally, in *Coolidge v. New Hampshire*,⁵² the Supreme Court mentioned without expressing either approval or displeasure that, following the arrest of Coolidge in his home, the police told Mrs. Coolidge she could not stay in the house (apparently in part because they believed she would be harassed by reporters) and two policemen guarded the house throughout the night.

SCENE THREE: The police are outside the premises; the third person(s) is (are) inside.

The third situation also can be illustrated by altering *Vale* a little. Assume the police arrested Vale on the

front porch, as they actually did, but after the arrest the police noticed Mrs. Vale and James Vale standing at the living room window watching the events taking place on the porch. Observe the police are outside the house, but the third persons are inside the dwelling.

The most troublesome aspect of impounding under these circumstances is here the police must make a warrantless entry into premises for the sole purpose of impounding. To do so is unreasonable when the evidence thought to be within is a large item as in *United States v. Kaplan*⁵³ (a still), for as Judge Learned Hand explained, one or more officers could watch from outside the premises while others obtain a warrant. The observing officer would have little difficulty spotting someone departing the scene with the still. But what of those cases like *Vale*, in which the evidence is capable of ready destruction?

Officers, who made a forceful, warrantless entry into premises and restricted the persons found therein pending the arrival of other officers with a warrant, were said to have committed a "flagrantly unlawful" act in a Colorado case, *People v. Hannah*.⁵⁴ Officer Dominguez, a Denver officer, and Officer Burke, a Glendale officer, were in the process of obtaining a search warrant for certain premises in Glendale when Dominguez' informant contacted Dominguez' partner on the Denver department, Officer Ramirez. Previous information from this informant was the basis of the affidavit which Dominguez prepared for the warrant. What the informant told Ramirez was not disclosed in the opinion, but, whatever the information, it evidently was of such significance Ramirez and another Denver officer immediately traveled to the Glendale address in the company of other (presumably Glendale) officers.

They knocked on the door, identified themselves, and were refused

entry, whereupon they forced their way into the apartment, rounded up the occupants, and advised them they were securing the apartment until a search warrant arrived. In the course of these activities, the officers observed and seized narcotics paraphernalia—some balloons. Twenty minutes later, Officers Burke and Dominguez arrived with the warrant, searched the apartment, and seized heroin and other evidence.

The trial court found the persons in the apartment had been arrested by the officers who impounded the premises, these officers had no authority to make arrests in Glendale, and they conducted a "minor" search of the apartment. It condemned in the strongest terms the actions of the officers who first entered the apartment, suppressed the balloons and further suppressed the evidence seized during the later search under the search warrant.

The Colorado Supreme Court did not comment on all of the findings of the trial court. It upheld suppression of the balloons, but decided the evidence seized under the warrant was admissible. It did not discuss the finding of the trial court that the occupants were arrested by the first squad of officers who secured the apartment, but did agree the entry was "flagrantly unlawful." While no reason for this determination was given, it appeared to be based on constitutional grounds and not merely on the fact the Denver officers had no arrest powers in Glendale.

Unfortunately, the opinion does not reveal the nature of information the informant furnished to Ramirez. Thus, one does not know whether Ramirez thought the occupants of the apartment were about to depart or had been forewarned of the pending arrival of officers armed with a search warrant. It is certainly possible the court would have reached the same conclusion no matter what the na-

ture of the informant's report. In any event, while the court offered no suggestions about what the first squad of officers to reach the apartment should have done, it made clear its displeasure over what they did.

Nonetheless, since the illegal search did not serve as the basis for the later search under the warrant and since the officers who conducted the illegal search acted independently of and not at the direction of Officers Burke and Dominguez, the evidence seized under the warrant was admissible.⁵⁵

In *Shuey v. Superior Court*,⁵⁶ the California Court of Appeals found the police acted illegally when they entered premises for the sole purpose of impounding while a warrant was obtained and held the evidence seized under the subsequently obtained warrant must be suppressed unless it could be shown that execution of the warrant would have been effective if the police had not acted illegally. But the police created their own emergency by waiting 5 days after they first possessed probable cause to search before they impounded and obtained the warrant. The court's opinion did not "intimate what the correct answer should be where the police are faced with an emergency not of their own making."⁵⁷

Shuey was limited by *People v. Freney*⁵⁸ to those cases in which there is no substantial risk evidence will be destroyed while a warrant is obtained. *Shuey*, said the *Freney* court, did not declare a constitutional right to destroy evidence.⁵⁹

Surely no case ever will.

Conclusion

Any police officer who contemplates impounding premises to prevent the possible destruction of evidence by third persons while a search warrant is obtained must do so with the awareness that whether such action is con-

The police officer must "recognize . . . he can only impound premises, if at all, under very limited circumstances."

stitutionally permissible is an open question. There are few cases suggesting he can do it; there are fewer suggesting he cannot.

He must recognize, too, he can only impound premises, if at all, under very limited circumstances. He must be prepared to show (1) he acted in good faith, (2) the probable cause to search was unforeseeable, (3) the evidence is capable of ready destruction or removal, and (4) he used a reasonable amount of force.

A word must be said about the length of time the premises would have to be impounded while a warrant is obtained. It can and often does take hours to obtain a search warrant. On weekends and at night, warrants simply may be impossible to obtain.⁶⁰ This is not to suggest such difficulties should allow a complete suspension of the warrant requirement after hours or on weekends. It is to suggest impounding a house for 1 hour is one thing, but may be something else when the impounding continues for many hours or even overnight. Perhaps the answer is a statute which permits a magistrate in an emergency to accept a sworn, oral statement of probable cause from an officer and authorize the officer to sign the magistrate's name on a search warrant. The California Legislature has enacted such a provision.⁶¹ Premises located in a jurisdiction where such a procedure is available would not necessarily have to be impounded much longer than the time required for an officer to locate a telephone.⁶²

A basic premise underlying *Terry v. Ohio*,⁶³ which upheld the stop and frisk, is there are situations in which

the police need to be able to freeze or immobilize events while continuing an investigation. Justice Douglas, writing for a unanimous Supreme Court in *Van Leeuwen v. United States*,⁶⁴ extended *Terry* to allow the impounding of packages in the U.S. mail by the police while they continued their investigation overnight and obtained a search warrant the next day.

Whether the courts will permit impounding premises ultimately may turn on whether they are prepared to say that just as it is reasonable under the fourth amendment for a police officer in proper circumstances to seize a person on less than probable cause and to seize a package in the mail and hold it while a warrant is obtained, so too, it is reasonable for an officer to seize premises when there is unforeseeable probable cause to believe evidence is located therein and the purpose of his seizure is to prevent the possible destruction of that evidence while he complies with the warrant requirement of the fourth amendment. Such a holding can result only if a court concludes society's interest in being able to obtain the evidence outweighs the invasion of privacy impounding entails.⁶⁵

FOOTNOTES

²² *Williams v. United States*, 401 U.S. 646 at 650, footnote 2 (1971).

²³ *People v. Freeny*, App., 112 Cal. Rptr. 33 (1974).

²⁴ 399 U.S. 42 (1970).

²⁵ Id. at 52.

²⁶ Justice Black in his dissent in *Vale* asked how the police could have protected the evidence. See footnote 13, *supra*.

²⁷ 6 CrL 4181, 3/11/70.

²⁸ 286 U.S. 1 (1932).

²⁹ 342 U.S. 48 (1951).

³⁰ 286 U.S. at 6 (emphasis added).

³¹ 342 U.S. at 52 (emphasis added).

³² 456 F. 2d 1006 (8th Cir. 1972), cert. denied, U.S. — ().

³³ 210 N.W. 2d 537 (Iowa 1973).

³⁴ *Jackson* cites with approval the suggestions in *Jeffers* and *Goldstein*.

³⁵ *People v. Boorem*, 519 P. 2d 939 (Colo. 1974).

³⁶ 201 N.W. 2d 153 (Wis. 1972).

³⁷ 336 F. Supp. 179 (E.D. Mich. 1972).

³⁸ Id. at 186. The surprising reliance by the court on the *Chambers* holding that given probable cause there is no constitutional difference between seizing a mobile car and holding it before obtaining a warrant on one hand, and on the other conducting an

immediate warrantless search, may be the result of officers in *Broomfield* seizing as evidence under the warrant nothing they had not observed the previous day as they fanned out through the house. But *Chambers* did hold there is a constitutional difference between searches of houses and cars, and it seems clear if the police had departed the *Broomfield's* premises they could not have made a warrantless reentry to seize the evidence. *Agnello v. United States*, 269 U.S. 20 (1925).

(Parenthetically, *Broomfield* is a good reminder judges are impressed by exemplary police conduct: "This court was impressed by the candor and sincerity of the government's witnesses." 336 F. Supp. at 185.)

³⁹ 395 U.S. 752 (1969).

⁴⁰ Id. at 775 (dissenting opinion).

⁴¹ *Harris v. United States*, 331 U.S. 145 (1947);

United States v. Rabinowitz, 339 U.S. 56 (1950).

⁴² See commentary accompanying section SS 230.5, A.L.I., A Model Code of Pre-Arrest Procedure, Proposed Official Draft No. 1, 1972.

⁴³ 456 F. 2d 1246 (5th Cir. 1972).

⁴⁴ 431 F. 2d 1043 (2d Cir. 1970), cert. denied, 402 U.S. 989 (1971).

⁴⁵ 267 A. 2d 363 (D.C. Ct. App. 1970).

⁴⁶ App., 112 Cal. Rptr. 33 (1974).

⁴⁷ Probable cause to arrest an occupant in the house distinguishes the case from *People v. Edgar*, 32 Cal. Rptr. 41, 383 P. 2d 449 (1963), and the absence of a prior opportunity to obtain a warrant distinguishes the case from *People v. Shuey*, App., 106 Cal. Rptr. 452 (1973). *Edgar* and *Shuey* are discussed later in the article.

⁴⁸ 112 Cal. Rptr. at 43 (emphasis added). The same conclusion was reached in Note, "Scope Limitations for Searches Incident to Arrest," 78 Yale L.J. 433 at 466 (1969).

⁴⁹ It is intriguing to speculate what the *Freeny* court would have said had there been no purpose in entering the house other than to impound the premises. Those facts would have put the case precisely in the area of discussion in *Scene Three*, *infra*.

⁵⁰ 32 Cal. Rptr. 41, 383 P. 2d 449 (1963).

⁵¹ 383 P. 2d at 452.

⁵² 403 U.S. 443 (1971).

⁵³ 89 F. 2d 869 (2d Cir. 1937).

⁵⁴ 514 P. 2d 320 (Colo. 1973).

⁵⁵ A later Colorado case, *People v. Boorem*, *supra* footnote 35, which called posting a guard to secure premises "a routine matter," cited *Hannah* only as authority for the proposition that a second search can be valid in some situations even though it follows an illegal search.

⁵⁶ App., 106 Cal. Rptr. 452 (1973).

⁵⁷ Id. at 456.

⁵⁸ App., 112 Cal. Rptr. 33 (1974).

⁵⁹ Someday a court will be faced with the novel case of a defendant arguing the police should have proceeded with a warrantless search and the government arguing the police could not search without a warrant and thus acted properly in impounding the premises while a warrant was obtained.

⁶⁰ See *Dorman v. United States*, 435 F. 2d 385 (D.C. Cir. 1970).

⁶¹ California Penal Code, §§ 1526 and 1528.

⁶² *People v. Aguirre*, 103 Cal. Rptr. 153, 26 C.A. 3d Supp. 7 (1972).

⁶³ 392 U.S. 1 (1968).

⁶⁴ 397 U.S. 249 (1970).

⁶⁵ This, of course, is the famous balancing test of *Camara v. Municipal Court*, 387 U.S. 523 (1967) which Chief Justice Warren applied in *Terry*, commenting as he did so, "One general interest [to be considered] is of course that of effective crime prevention and detection . . ." *Terry v. Ohio*, 392 U.S. at 22 (1968).



The versatility of the California Highway Patrol's (CHP) air arm is continually being demonstrated. From routine traffic-control measures to major actions in breaking up an interstate hijacking ring, new and effective uses for this aerial capability are being devised, discovered, and expanded on a regular basis.

Ordinarily, the air patrol is concerned with three basic missions: traffic surveillance and services, assistance to motorists, and enforcement.

The first mission covers all activity related to detecting, investigating, reporting, and clearing impediments to the traffic flow on the highways. The second includes all activity concerned with assisting disabled motorists and providing information. The third deals with detecting violations, effecting enforcement actions when appropriate, helping ground units in the apprehension of violators, and providing backup to ground units.

By

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Other missions include: supervising mobile ground units through an airborne superior; furnishing traffic direction information at special events like fairs and sporting contests; providing emergency transportation; assessing damage of floods, earthquakes, fires, and other disasters; assisting in controlling civil disturbances; helping other police agencies in searches; providing assistance in rescues and surveillance actions; servicing radio repeaters; taking aerial photographs; effecting video recording and audio transmitting; and affording training.

These are the tasks assigned to an air arm which at present consists of four helicopters and three fixed-wing aircraft. All are equipped with loudspeakers and public address siren systems audible to motorists or others on the ground.

In addition, helicopters used in congested areas of Los Angeles and San Francisco are equipped with 2½ million candlepower searchlights to illuminate accident scenes or help in searches or disturbances. In Los Angeles, closed-circuit TV cameras are available for air use so that ground dispatchers can also observe traffic conditions.

The helicopter that covers the San Francisco Bay region is based at San Jose and is equipped with floats for water landings. The three assigned to the Los Angeles area use Van Nuys as home base. The fixed-wing airplanes are operated out of bases at Sacramento and Coalinga in the Central Valley and Barstow in the Mojave Desert.

CHP helicopters are capable of cruising at 100 to 110 miles an hour



San Francisco as seen by helicopter patrol.

on a normal 3-hour mission. Our airplanes, which are STOLs (short take-off and landing), can cruise at 130 miles an hour on 4½-hour missions. The helicopters, of course, can hover, thereby acting as observation platforms and, if necessary, can land near the scene of needed action. Airplane speed can be reduced to 30 miles an



Eye in the Sky

"Everything from criminals to balky horses falls under surveillance of the California Highway Patrol's air 'eye.'"

hour, if need be, for communication with those on the ground; however, each would normally land only at its own base.

There are 15 pilots for these aircraft. All are CHP officers who meet the additional minimum qualifications of holding commercial pilot licenses and having completed 300 hours of

flying time. Six of the nine helicopter pilots obtained the required experience during military service prior to joining the highway patrol.

Air Arm's Evolution

Although the CHP began experimenting with helicopters in 1957, and

with fixed-wing aircraft in 1960, the air arm did not take its present shape until March of 1974. The helicopters of the late fifties were too slow to patrol high-speed roads, and requirements for operating fixed-wing aircraft over congested areas were too restrictive.



A STOL aircraft patrols an interstate highway near Sacramento.

a footrace, and 1 infant born prematurely.

These helicopters proved that aircraft can perform selective enforcement duties not possible in patrol cars. They virtually eliminate prolonged high-speed pursuits by ground units and enable the pilot to keep a violator in view who tries to leave the highway or take other evasive tactics to avoid arrest. They also make possible detection of violations that would normally escape the notice of ground units.

Other values demonstrated by these aircraft include directing ground units to accident scenes where roadways are congested, speeding help to drivers of disabled cars, transporting emergency medical supplies, and assisting in searches for lost persons.

Highway Patrols

By 1973, aerial operations had become an accepted and integral part of CHP activities in and around the two coastal metropolitan areas, and the need to extend this tremendously in-

The development of light, high-speed turbine helicopters in 1967 and the availability of Federal funds in 1968, through the National Highway Safety Bureau, changed the picture and the State acquired five helicopters during 1969-70. One of these was based at Indio and patrolled the interstate route through the desert between there and Blythe on the Arizona border.

The helicopter force immediately began to prove its worth as an adjunct to regular CHP activities. In one 9-month period, for instance, a Los Angeles-based helicopter assisted 867 stalled vehicles, gave help to 262 beat officers, reported 226 accidents, resolved 59 violations, removed 30 traffic hazards, directed traffic 21 times, and observed 2 aircraft accidents, 2 student demonstrations, and 2 brush fires. It also made a run to deliver blood for a transfusion, carried an injured person to medical help, and reported a broken water main and a vehicle fire.

The San Francisco Bay area helicopter in about the same period of time handled 16 medical evacuations. Besides 11 traffic accident victims, these included an asthma victim, 2 snakebite casualties, 1 person hurt in

Patrolling traffic on the Golden Gate Bridge is made easier by helicopter.



“ . . . helicopters proved that aircraft can perform selective enforcement duties not possible in patrol cars.”

creased patrolling capacity to other parts of the State became apparent.

This was accomplished by swapping one of the helicopters for three fixed-wing airplanes. The superior speed and range of these latter aircraft made them ideal for patrolling long stretches of rural highway where patrol cars were spread thin and flight operations were not restricted by altitude minimums required in heavily populated areas.

The Indio helicopter was replaced by one of the airplanes which patrols the desert freeways from Barstow. The planes based at Sacramento and Coalinga brought air surveillance to territories which had none before.

The airplanes went on duty in March 1974, and thus, the CHP's air arm achieved its present composition at about the same time a worldwide fuel shortage was leading to delays at the filling station and the imposition of a 55 mph speed limit as a conservation measure.

This new speed law was hard to enforce, especially on rural freeways which had previously been posted for 70 mph. It didn't get any easier when filling stations once again had plentiful gasoline supplies and the shortage was over as far as many motorists were concerned.

While the 55 mph law is still difficult to enforce, the CHP has succeeded in reducing top speeds on the highways thereby lowering the overall speed. A part of this reduction can be credited to the well-advertised presence of air surveillance over open highways where motorists have traditionally been tempted to speed.

On these highways, signs advise drivers that the road is patrolled by

aircraft, and measured miles are marked on the pavement so aircraft can pace speeding drivers and report them to ground units. When no ground units are nearby, pilots can often slow speeders on remote highways by flying into visual range and using the sirens and public address systems. A driver thus slowed to 55 isn't apt to speed up when the aircraft moves out of sight as he might with a patrol car. The aircraft could still be overhead and frequently is.

Aircraft are occasionally pulled from normal patrol duty into a concentrated speed enforcement drive in a location where a clearly definable problem has not been corrected by conventional tactics. During one of these drives, through use of one helicopter, 73 speeders were cited in 1 day on a freeway north of Los Angeles. During another, use of 1 airplane resulted in the spotting of 71 violators in 2 days on a remote 50-mile stretch of the interstate near Coalinga.

Aside from these special occasions, speed enforcement takes its place as just one of a wide variety of patrol duties performed by the CHP's aircraft.

Diversification

Some idea of the diversity of chores performed by this air arm can be gained from the following excerpts from monthly logs:

“ . . . injury-accident had west-bound freeway lanes blocked. Trucker at scene advised Air-6 via CB radio ambulance needed. Dispatch and nearest unit notified of location and ambulance request. Victim lying in roadway, so Air-6 landed on west-bound freeway clear of scene and parked in divider. First aid administered and transportation of victim with possible broken ribs and inter-

nal injuries provided in private auto. Traffic flow restored prior to arrival of ground unit. . . .

“ . . . monitored radio traffic re search for three burglary suspects. H-3 responded to Coyote Scale area off US 101, where CHP, sheriff and police department units were involved in the search. Close surveillance made and suspects sighted attempting to escape over a hill to safety. By use of siren and P.A. system, suspects were directed back to officers in foot pursuit and taken into custody. . . .

“ . . . driver of a van was paced by H-1 at 92 MPH. As driver slowed to stop, he was observed placing items under front seat. Ground unit stopping the van was advised of furtive movements of driver and passenger. Search revealed large quantity of pills and marijuana. . . .

“ . . . vehicle which had just been stopped by a Gold Run unit took off at 100-plus, outran CHP unit, was located by Air-7 and followed from freeway to attempted place of hiding on private property. Subject located and booked for drunk driving. . . .

“ . . . reported wrong-way driver to Newhall units. Driver entered Golden State freeway from Lake Hughes off-ramp, traveled a short distance and then made a U-turn across four lanes, causing traffic to brake and swerve to avoid collision. Elderly driver, lost and confused, was taken to Newhall office so arrangements could be made to transport him to his home. . . .

“ . . . reported 10-acre grass fire to Division of Forestry. . . .

“When no ground units are nearby, pilots can often slow speeders on remote highways by flying into visual range and using the sirens and public address systems.”

A helicopter team works with ground unit to patrol remote stretch of highway.



"... Glendale units were given the location of a vehicle whose driver was reported to be brandishing a gun. When the units arrived, the helicopter landed and observer assisted with the arrest. Gun was located in vehicle. . . .

"... picked up auto theft officers at Porterville airport for pictures of stolen pipe on east side of Porterville. . . .

"... provided aerial platform for CalTrans photographer to view and film traffic congestion merging to southbound US 101 from Candlestick Park caused by 49'er game. . . .

"... H-3 plus three cycles and two cars. Flew over northbound lanes US 101 in Marin county, using P.A. system and landing lights to warn drivers out of exclusive bus lane. Those not moving over were turned over to ground units. . . .

"... flew 11 hours and 24 minutes enforcing 55 MPH limit in Newhall. 73 drivers cited, and units were either busy or not in position to stop 40 other drivers observed to be exceeding limit. . . .

"... observed a vehicle traveling too slow in the number 2 lane. Central unit stopped and cited the driver. . . .

"... assisted auto theft detail in locating a stolen vehicle. Vehicle was

down in a canyon and could not be seen from the road. . . .

"... injured child and father transported from Angeles Crest highway and Red Box to Glendale Adventist hospital in Glendale. Time saved, approximately 90 minutes. . . .

"... monitored call of spilled load on westbound I-80, west of Yerba Buena island, and assisted in locating the responsible truck. Also assisted with traffic control and direction on the Bay Bridge. The material discovered to be hazardous to health. H-3 remained over Bridge for approximately three hours. Westbound lanes closed to traffic twice during this time. . . .

"... special traffic surveillance on Sunday. Traffic info given to West L.A. units regarding traffic congestion caused by sightseers at Jack Benny's funeral. . . .

"... routine patrol. U-turn across divider in heavy traffic, forcing traffic to stop or hit. Turned on off-ramp, wove down city street. Patrol car positioned by H-3 made stop. Gave sobriety test which driver flunked. . . .

"... electronic siren and P.A. system used to slow four speeding trucks and several cars. No ground units in position. . . .

"... car and trailer jackknifed. Report received by Air-6 on CB radio. Ground unit en route from 20 miles away. Scene checked by Air-6 and passing motorist helped woman driver straighten out the combo. Passing car relayed by CB radio that no report or assistance needed. Ground unit was dismissed. . . .

"... assist in search for accident victim in Calico mountains. Motorcycle collision and victim in rough terrain. Victim had been carried out and Air-6 recalled CHP, sheriff and ambulance personnel from mountain before dark. . . .

"... aircraft first at scene and able to advise units and ambulance responding that accident was 'horse threw rider only.' No traffic collision. . . ."

Conclusion

And there you have it. Everything from criminals to balky horses falls under surveillance of the California Highway Patrol's air "eye." This aerial element has become an invaluable part of our effort to insure the safe, convenient, and efficient transportation of people and goods in California.

NCIC PARTICIPANTS MEET

Some 200 law enforcement and criminal justice representatives from all levels of government were present at the April 15-17, 1975, National Crime Information Center (NCIC) Participants' Meeting held in Washington, D.C. The 3-day conference afforded the 86 NCIC control terminal agencies serving the United States, Canada, and the Commonwealth of Puerto Rico an opportunity to consider topics of mutual concern.

The meeting was characterized by a spirit of involvement and cooperation. This feeling was highlighted by FBI Director Clarence M. Kelley when he stated that:

"Each of you brings to these conferences something of unique value—your own personal professional experience—experience no one else can duplicate precisely."

Mr. Richard Velde, Administrator, Law Enforcement Assistance Administration (LEAA), followed with a discussion of various LEAA projects now in effect among criminal justice agencies throughout the Nation, as well as future programs.

A compendium of the meeting follows:

An FBI representative discussed a joint project of the FBI's Uniform Crime Reporting Section and the International Association of Chiefs of Police (IACP) to develop and establish national audit standards for Uniform Crime Reporting.

FBI NCIC staff members discussed the proposed implementation plan for limited message

switching of NCIC-related matters, the introduction of a new Missing Person File, quality control in the system, technical development of the computerized network, and the status of the Computerized Criminal History (CCH) File.

A representative of the FBI Identification Division commented upon the status and future of fingerprint automation and how it will relate to CCH.

Mr. Glen King, Executive Director, IACP, addressed the participants concerning the IACP project on serially numbered stolen property.

Deputy Assistant Attorney General Mary Lawton of the Office of Legal Counsel, U.S. Department of Justice, briefly explained the provisions of the Privacy Act of 1974 (Public Law 93-579) and commented upon other pending Federal privacy legislation.

Lt. Don Mayhew of the Nebraska State Patrol, Lt. Edward E. Schneider of the Virginia State Police, and Messrs. Larry J. Quamme of the Wisconsin Criminal Justice Information Center, William L. Krause of the Georgia Crime Information Center, and Henry Sedmak of the Michigan Law Enforcement Information Network discussed the development of their State CCH systems.

The Acting President of the National Law Enforcement Telecom-

munications Systems (NLETS), S. Sgt. Leo J. Zelenko of the New York State Police, addressed the plenary session concerning the status of NLETS.

The second day was devoted to regional meetings. Each of the four regions considered a multitude of issues and proposals concerning the operation of the NCIC system. In addition, each region elected the following new officers for 1975:

Northeastern Region—Mr. Fred Frank, New York State Police, Chairman; S. Sgt. Edward M. Prescott, Vermont State Police, First Vice Chairman; and Lt. Herbert E. Plump, New Jersey State Police, Second Vice Chairman.

North Central Region—Mr. Dwight E. Bee, Illinois Department of Law Enforcement, Chairman; Mr. Larry J. Quamme, Wisconsin Crime Information Bureau, First Vice Chairman; and Maj. Carl Gray, Jr., Kansas Highway Patrol, Second Vice Chairman.

Southern Region—Mr. Homer H. Carr, Alabama Department of Public Safety, Chairman; Lt. Carl B. Stokes, South Carolina Law Enforcement Division, First Vice Chairman; and Capt. Felix C. Atwood, Kentucky State Police, Second Vice Chairman.

Western Region—Capt. Paul H. Schultz, Washington State Patrol, Chairman; Mr. W. Gray Buckley, Colorado Bureau of Investigation, First Vice Chairman; and Mr. Lloyd A. Smith, Oregon Law Enforcement Data System, Second Vice Chairman.

On the final day of the conference, the full assemblage considered a number of proposed policy and procedural changes for presentation to the NCIC Advisory Policy Board for final determination.

Establishing an INTERNAL PHOTOGRAPHIC UNIT

The majority of police agencies in the United States depend, to some degree or another, on photography as a basic investigative tool. The extent to which this tool is utilized is dependent on numerous factors, including types of equipment, manpower, training, physical facilities, and overall cost.

The New York City Police Department, which maintains one of the largest police photographic departments in the world, has 54 employees on its staff, of which 19 are sworn officers. An operation of this caliber produces over 3,000 prints per day with more than 400 suspects being photographed during that same time period.¹ In contrast, many departments resolve their photographic problems by contracting with a local professional, or competent amateur, to handle their photographic work on a "piecemeal" basis. As a department grows and expands, a point is reached wherein each agency head must evaluate the advantages and disadvantages of initiating an internal photographic unit. The establishment of this unit should be primarily based on the needs and capabilities of the individual community and department.

The following discussion hopefully can assist in pointing out a few of the major considerations to be contemplated and to give a department head some basic thoughts regarding the advantages of establishing an in-

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ternal photographic unit for his organization.

A few of these advantages are availability, security, and experienced personnel.

Availability is of prime concern inasmuch as the majority of instances requiring the need of a competent photographer occur unexpectedly. The on-duty police photographer is, of course, in the most advantageous position to respond to any situation requiring photography. Arrangements can be made to have the police photographer on a standby basis when he is off duty.

It is unlikely that a contract photographer would be able or willing to drop everything at a moment's notice to handle a fast-moving or emergency situation. Also, the contract photographer's prime concern or business is usually not police photography, there-

"The on-duty police photographer is . . . in the most advantageous position to respond to any situation requiring photography."

fore, police department work may be of secondary importance.

Security of photographs and photographic evidence is also a factor to be considered. The probability of photographs being lost, mutilated, destroyed, or stolen when totally maintained within the confines of a police department is not nearly as likely as when handled and maintained in the home or place of business of a contract photographer, whose prime concern is usually not police photography.

The personal security of the photographer is also of great concern in situations involving many types of surveillance operations. Here again, in these types of situations it is always more advantageous to have a photographer who is also a trained police employee.

Experienced personnel are assets to any efficiently run organization. The contract photographer, in most instances, is a well-trained and experienced photographer; however, rarely is that training and experience in the area of police photography. Although much of the fundamental darkroom work is the same, experience has shown that it does not follow that the same practices and techniques that are used in commercial or portrait photography are also applicable in police work.

There are definite advantages to having an individual who is trained

specifically in photographic procedures relating to police work and who also has the background, experience, and insight into the unique problems of law enforcement today. An individual with these qualifications will be able to apply this diversity of talent in recognizing and properly evaluating evidence to further insure that the most faithful and beneficial photographs are obtained.

Presentation of court testimony is another area where having an in-house photographic unit proves advantageous. The officer who testifies concerning photographs he has taken not only can draw from his technical photographic experience, but also can rely on his basic knowledge of the law, his general knowledge of the case, and his past experience in dealing with attorneys, juries, and the presentation of testimony. This experience is rarely found in the ranks of most contract photographers.

Today's police photographers are professionals working in a specific and distinct branch of the science of photography.

Photographic Services

Identification—For departments initially establishing a photographic unit, identification photography will mostly entail taking "mug shots" of individuals arrested. A permanent camera setup and operator are essential at the place of booking on a 24-hour basis. The operator does not necessarily need to be a professional photographer, but need only be trained in the use of the specific camera used for taking the identification photographs.

Crime or Accident Scene—This aspect of photographic activity consists of "on-the-spot" photography of the location and of the evidence at the scene of a crime or accident. This entails photographing the entire area from all pertinent angles and dis-

tances, and the determination, evaluation, and photographic recording of specific evidence that may be of value in the solution of a crime or determination of an accident.

Surveillance Photography—In a surveillance situation, the element of time, limited opportunity, and the possibility of personal danger are all factors for consideration. Most contract photographers could not devote the needed time, assuming the department could afford to pay for it, for most types of extended surveillance photography. Also, few would have the experience or knowledge in these special types of situations to achieve the crucial timing needed for taking photographs of value, leading to successful investigation or prosecution.

In some situations, possibly due to a location with limited vantage points, it may be necessary for a photographer to be extremely close to the place or event under surveillance. This creates the distinct possibility that he may be observed and, therefore, be placed in jeopardy. The advantages of having an individual with police training in these situations are obvious.

In cases where an intoxicated driver or drug abuser is involved, a photographic record of the suspect at the time of his arrest or booking can be of great assistance in the future prosecution of the individual.

Police Training and Public Relations—Even the smallest of internal photographic units can produce valuable training slides, stills, and motion pictures on a continuing basis.

Also, these visual materials can readily be produced for "outside" lectures, television and press inquiries, safety and crime prevention campaigns, educational material, and displays, plus numerous other outlets to assist a department in making the people of the community more aware of the department's duties and

achievements and the general benefits of effective law enforcement.

Evidence Photography and General Reproduction Work—The majority of this work is conducted in a studio situation. The extent to which this type of photography can be conducted is directly related to the availability of space and equipment. However, even with a small amount of room, short of a broom closet, and a minimum amount of equipment, an internal unit would be capable of producing high quality photographs of a variety of evidence for record purposes. This work may be of a restricted nature at first, consisting only of evidence in major crimes.

Court Exhibits—The internal photographic unit's role in preparing court exhibits can be extremely beneficial to the prosecution's presentation of the court exhibits. Because of his background, the police photographer can assist in determining the different photographic techniques to be employed, size of prints, or manner of display best suited to illustrate the major evidentiary points to be presented. The photographic unit can establish and maintain standards and procedures that are readily accepted by the specific courts in its community. The prosecutor presenting a case, and the officer in charge of the investigation, can be reasonably assured that the photographs that are to be presented will be accepted by the court.

Personnel Requirements

Due to budget and manpower restrictions, a department may be required to initiate an internal photographic unit using only one officer to be assigned full time, or possibly even part time, to photographic duties.

The police officer considered for this position should possess all the general attributes which make up any good police officer. Furthermore, the

candidate should possess certain other specific characteristics which experience has shown beneficial in this line of endeavor.

It would be desirable if the officer had a minimum of 3 years' police experience. The candidate should have an above-average awareness of police-community and press relations. A minimum of supervision would be required for any police photographer. The officer should be considered an above-average witness and should have satisfactory testimony experience. Furthermore, the officer should have a strong interest in photographic work and, if possible, some previous experience.

Personnel Training

Proper training of an officer in the field of photography is of utmost importance. Again, many department heads may balk at the time and money necessary to send an officer away from his normal police duties to learn basic photography, especially when the officer is known to be an enthusiastic and competent amateur photographer. However, because an officer is a competent amateur, it does not necessarily mean that he has the skill and knowledge or that he follows the most accepted photographic procedures, enabling him to attain a desired degree of success as a police photographer.

Training can be placed into two general categories, formal education and on-the-job experience.

In the area of formal education, excellent schools are available with a time duration of anywhere from a few weeks, such as the intensive study courses provided by the FBI Academy at Quantico, Va., to 6-month courses taught by a number of varied organizations, many of which can be identified in the Eastman Kodak Company publication entitled "Trade Schools and Colleges Offering Photography Courses." (See references.) In the

case of an initial departmental establishment of a photographic unit, it is important that the first officer or officers be given the advantage of the most thorough and indepth formal training that the department can provide. This training is important inasmuch as the first officers assigned to the unit will, in all likelihood, be the individuals who provide much of the basic and practical education for future unit personnel. Of course, this is not the best manner of training new personnel, but as a practical matter, this is how many departments' "second generation" police photographers are trained.

However, it must be pointed out that the length of a course alone does not itself determine its worth to the police officer. If a course is 6 months long but deals mostly with portraits or commercial photography, its value is considerably less to the officer than an intensive shorter course dealing strictly in police photography.

Practical on-the-job training is many times obtained by allowing the police photographer to visit a larger department where a successful specialized photographic unit has previously been established. Here the officer can observe and assist in the daily operations of an active unit. Again, each department must make its own determination as to the time it can afford in providing for this type training. One week is considered by many as a minimum.

Some department administrators feel that since today's scientific photography is such a vast field, it is more advantageous to hire a professional photographer and then train him to be a police officer.

Facilities

For departments creating a photographic unit, the problem of where to physically place the personnel and equipment may be one of the most

pressing matters. In initiating the unit, utilizing either a part-time or full-time police photographer, a bare minimum of 150 square feet of floor space should be allocated for physical facilities. However, for most departments, approximately 250 square feet would be a better starting place for a workable facility. An example of a physical facility utilizing approximately 250 square feet is illustrated in exhibit 1 (on opposite page). Also, a small space is required near the area where the fingerprinting and booking of prisoners takes place to facilitate identification, "mug shot," photographs.

This is only a suggested darkroom layout, and each individual department must design a facility in relation to its specific building and finances. The problem of designing a physical facility can be greatly aided by taking advantage of the engineering services provided, usually free of charge, by a number of the major photographic product manufacturers.

An important factor to consider in darkroom location is the availability of both electrical power and plumbing. Also, thought should be given to locating the darkroom near a presently unused room or storage area, providing for possible future physical expansion. If a police chief or sheriff feels his department is going to have a substantial growth rate in the future, he can be certain that the internal photographic unit will grow as fast as, if not faster than, the overall departmental growth.

Equipment

If a department is willing to establish a professional police photographic unit, it must also be prepared to supply that unit with the professional tools and equipment necessary to operate properly.

In purchasing equipment, one can find as many opinions in proper pho-

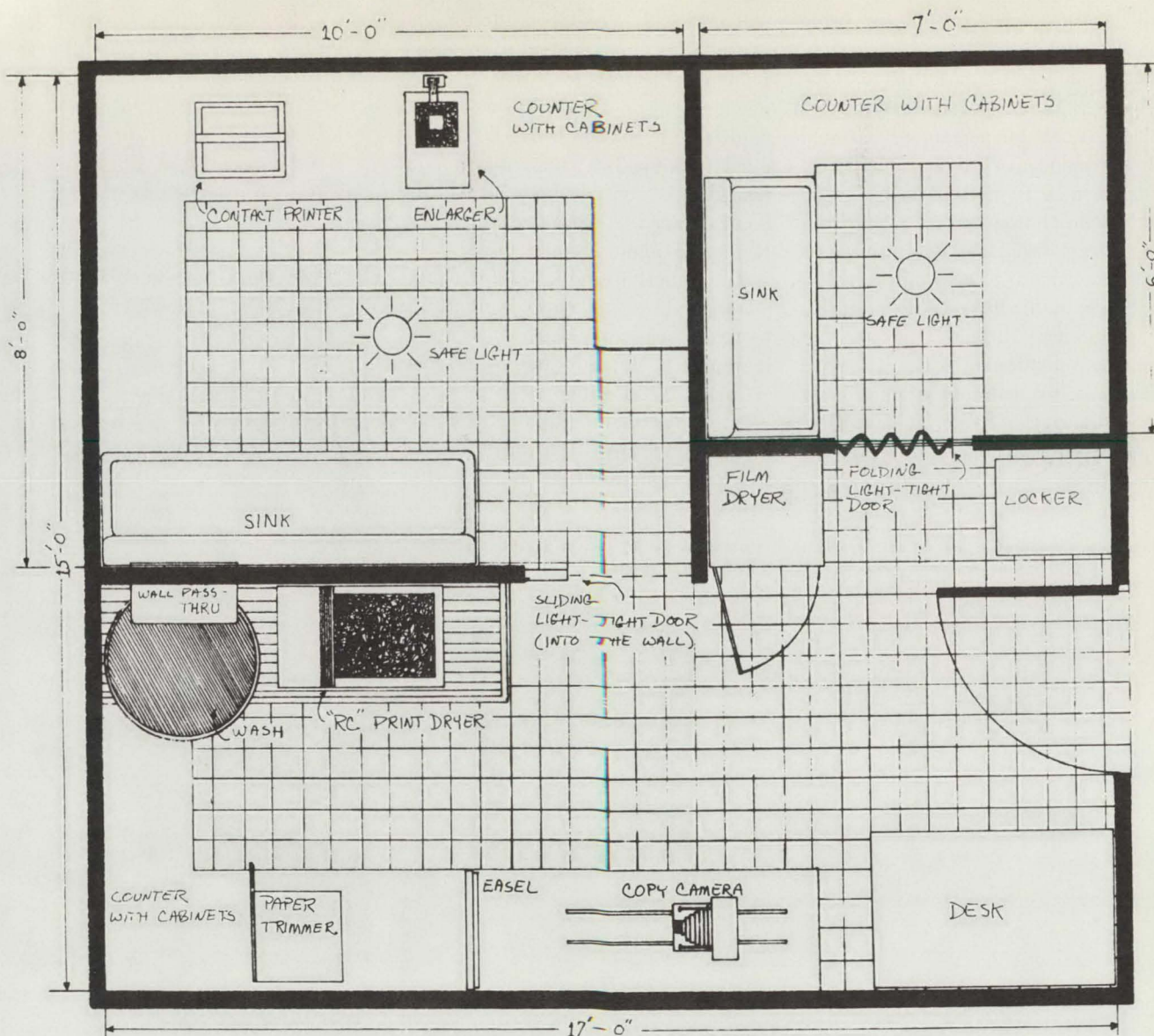


Exhibit 1.

tographic hardware as there are photographers and equipment manufacturers.

At present, there are two basic schools of thought regarding cameras for police departments.

One group advocates large format negatives, a minimum of $2\frac{1}{4}$ by $2\frac{1}{4}$ inches, and preferably 4 by 5 inches or larger. The contention is that the quality attained as a result of the larger negative, especially if the negative is to be enlarged beyond 8 by 10

inches, outweighs most of the basic disadvantages of the larger format cameras. Among these disadvantages are the weight and bulk of many cameras using 4- by 5-inch negatives, the expense of many of the twin lens cameras that utilize interchangeable lenses, and the expense of cut film.

Another group advocates using 35 mm or 126 cartridge-load cameras. This method provides versatility, compactness, and, in some cases, simplicity of operation, which is said to over-

shadow the disadvantage of the cameras' relatively small negative, especially inasmuch as few routine police photographs are enlarged beyond 8 by 10 inches.

There is no simple solution as to what camera to buy; however, a few points might be kept in mind. Police photography is not limited to any one specific photographic situation, such as in portrait photography. One assignment may be the recording of a traffic accident, and the next dealing

with a crime scene or forensic problem. The solution is to attempt to compromise and be prepared for any reasonable photographic situation that may arise. If 90 percent of the field photographic work is automobile accidents, and 10 percent crime scene and studio photographs, it is only logical for a department's initial purchase of cameras to be proportional to its needs, in this instance the majority of equipment probably being the smaller, versatile cameras. However, there is still a definite place and need for some type of larger format camera in most departments. (See exhibits 2A-2D.)

To assist the reader in attaining an overall idea of equipment utilized in a photographic unit, a list that would be adequate for a facility such as that depicted in exhibit 1 has been compiled (exhibit 3). This list is not intended to be complete, nor are all the items claimed to be a necessity for a beginning photographic unit.

The underlying criteria for equipment should be whatever is necessary to accomplish your department's photographic tasks with the most efficiency, quality, and economy.

No matter what equipment is finally decided upon, any department starting a photographic unit is well advised to

"[B]ecause an officer is a competent amateur, it does not necessarily mean that he has the skill and knowledge . . . to attain a desired degree of success as a police photographer."

Exhibit 2A. Comparative (not actual) size relationship between a 126 cartridge-load negative, a 35 mm negative, and a 4- by 5-inch negative.

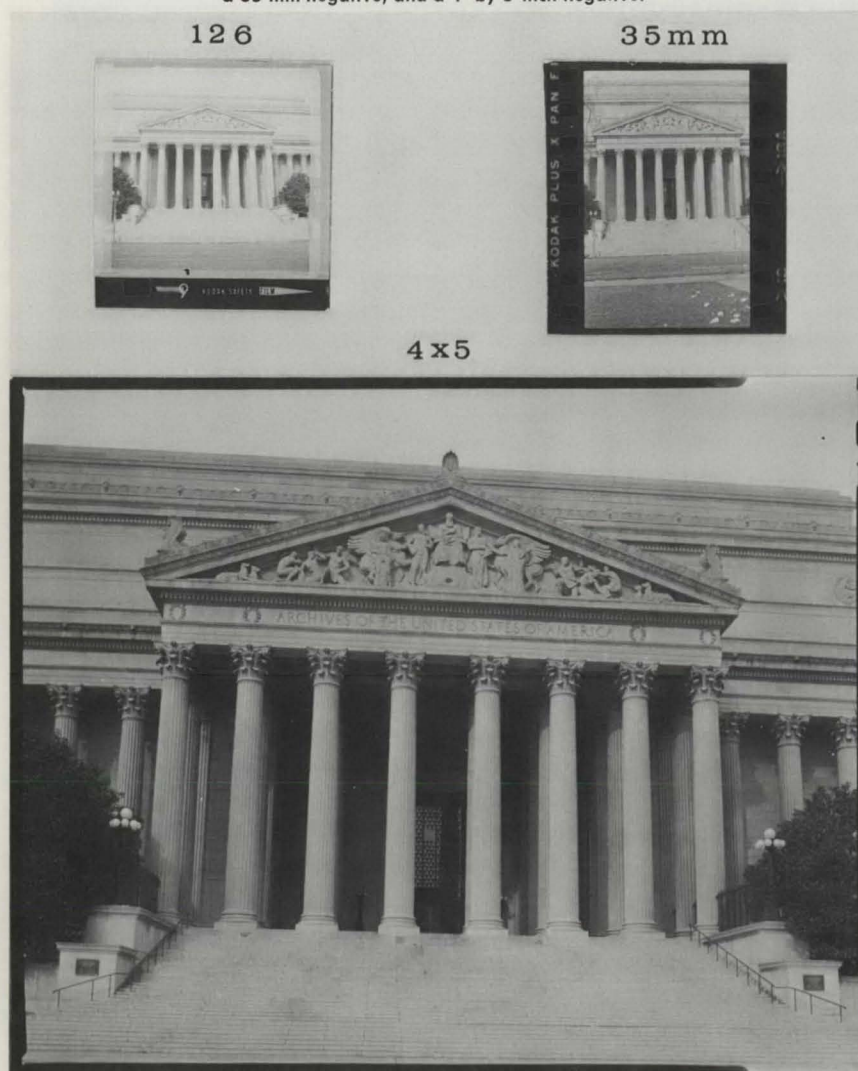


Exhibit 2B. Enlarged portion of 126 negative.



Exhibit 2C. Enlarged portion of 35 mm negative.



Exhibit 2D. Enlarged portion of 4- by 5-inch negative.



standardize equipment and procedures as much as possible. As the unit expands, so can its overall versatility and equipment.

Cost

Cost is a relative factor which is dependent on the size of the community and department, the extent to which photography is presently utilized, the extent to which it will become a basic law enforcement tool, and the depth to which the photographic unit's technical ability will increase in the future. To attempt to ascertain a mean cost for initiating a police photographic unit with today's inflation and the hundreds of variables unique to each department is an extremely difficult task, and can only be dealt with on the broadest of terms in this discussion.

The cost of the equipment illustrated in exhibit 3 totals \$7,350: printroom, \$3,200; darkroom, \$1,500; other laboratory equipment, \$450; identification area, \$300; and field equipment, \$1,900. This cost figure does not include moneys for the physical facility construction or re-vamping, chemicals, film, photographic paper, or office furnishings.

The equipment price tag can vary from as low as \$5,000 to well above \$10,000, depending on just how basic or elaborate a department wishes to begin. Here again, it must be remembered that these figures are strictly estimates, based on equipment purchased within the last few years for photographic units approximately the same size as that depicted in exhibit 1. A department with extremely limited funds can utilize a one-room facility and reasonably equip it for approximately \$1,500 to \$2,500.

Photography is by no means an inexpensive enforcement tool, as are neither patrol cars, radios, riot gear, nor other modern-day tools of the profession. However, if used efficient-

EXHIBIT 3	
<u>Estimated Costs of Sample Photographic Unit:</u>	
Printroom -----	\$3, 200
(Enlarger with lens and timer, negative carriers, print easel, contact printer, sink, trays, safelights and filters, printroom timer, print dryer—RC, print washer)	
Field Equipment -----	1, 900
(4 by 5 camera and lens, 35-mm camera and lens, heavy-duty tripod, carrying cases, strobe units)	
Darkroom -----	1, 500
(Sink, timer, safelights and filters, developing reels and tanks, film hangers and racks, negative illuminator, developing tanks, film washer, film dryer)	
Other Laboratory Equipment -----	450
(Funnels, mixing pail, graduated measures, squeegees, stirring paddle, process thermometers, chemical storage tanks, papercutter, photofloods and tripods, dry mount press, tacking iron)	
Identification Area -----	300
(Photofloods and tripods, heavy-duty tripod, identification camera)	
TOTAL COST -----	7, 350

ly, the results of photography can be shown in both a savings of time and money, plus numerous side benefits.

One of the most frequently asked questions in relation to cost is whether to use black-and-white photography or color. For most departments, just starting in photography, black-and-white photography is usually adequate for most situations that will be encountered. Processing of what little color work is absolutely necessary can be easily "farmed out." As a rule, a unit just beginning will neither have the volume nor need to justify initially starting out with the majority of their work in color. This is not to say, however, that as volume increases, thereby reducing relative cost between black-

and-white and color photography, color should not be phased into areas where its use could prove to be more effective, such as in the identification of individuals.

Conclusion

The small police or sheriff's department can no longer take the position that in-house photography is only for the larger departments. Photography today has become a basic law enforcement tool in a profession with a rapidly growing technology. Today, more than ever, our Nation's police departments, both large and small, should use all the help and benefits that effi-

(Continued on page 31)

A Community Approach to Juvenile Delinquency

Six years ago, the Evanston Youth Commission, a forerunner in youth activities and programs and funded by the city, saw the need for a Youth Outreach Worker to work specifically with troubled youths and their parents in the community. A youth worker with a social work background with the Illinois Department of Corrections was hired by the commission.

The Outreach Worker Program was placed under the jurisdiction of the Evanston Police Department Youth Section 3 years ago for supervision, planning, direction, and operation. The police department, faced as other departments were with an increase in juvenile delinquency, welcomed the opportunity to direct this program to help fight delinquency in the community and to try a new approach to this national problem.

Program Goals and Objectives

The Evanston Police Department had for years tried a procedure which many other police departments throughout the country had tried in handling juvenile delinquents. That procedure was to place many delinquent youths on "informal supervision" or "informal probation," having the youth report periodically to a youth officer at the police station for

a certain period of time, such as 3 months, 6 months, etc. We found through studies that this program was ineffective and time consuming, and some officers did not have the patience or necessary skills for indepth, long-term counseling.

The goals and functions of the Outreach program seemed ideal to solve this problem. The primary function of the Outreach Worker is the supervision of antisocial youths referred to them by the youth section of the police department. A limited number of referrals are also accepted from our schools, other youth-serving agencies, and some by parental request. In general, the youths referred have been in trouble with the police for misdemeanors, have school problems, and/or home and family problems.

Upon referral to the Outreach program, the Outreach Worker meets with the youth, his parents, and the youth officer making the referral to conduct a social history of the youth and his family. The social history serves as a diagnostic tool to assist the worker in developing a treatment and counsel program for each youth and his parents.

The youth is usually seen on an average of once a week for periods varying from 3 months to 1 year, either in the Outreach office or in the

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"When a crisis occurs in a family under Outreach supervision, the Outreach Worker is available to intervene and offer assistance, no matter what time of day or night."

home. The youth officer who made the referral is constantly apprised of the progress of the youth and he, in turn, advises Outreach if there is any further police contact with the youth. The Outreach Worker makes as many home visits as circumstances and time permit.

We have found that many people are more receptive to our program when some home visits, rather than all office contacts, are required.

When a crisis occurs in a family under Outreach supervision, the Outreach Worker is available to intervene and offer assistance, no matter what time of day or night. We believe that availability is a very important aspect of the program. We find many people in trouble who cannot get help from the average 9 a.m. to 5 p.m. social agency.

Outreach Workers

The selection of an Outreach Worker is as important as the program itself. The people selected are employees of the city and an extended arm of the police department itself. Although we presently have only two workers and a part-time secretary, the number of people who applied for the position was enormous. Even though the requirements did not require a college degree, 85 percent of the applicants had degrees, mainly in the area of sociology or with counseling or teaching backgrounds.

The people selected must first be interviewed by the city personnel director, then they must appear before a panel consisting of the investigations division commander, under whose division the program operates, the youth section commander, and a youth section sergeant. Finally, an interview is held with the chief of police. An extensive background investigation is also conducted on the applicant before hiring.

One of the workers presently assigned has a background in education and was a former teacher and athlete. The other worker came to us from the Cook County Sheriff's Police Youth Services Bureau and has a degree in sociology. There are presently one male and one female worker in the program, and they both have the ability to work with youths and parents of both sexes.

In addition to their supervision, counseling, and guidance activities, the Outreach Workers plan trips to athletic events and cultural activities for many youths under their jurisdiction. They also tutor some youths needing help in their school work.

Although the basic working hours are scheduled for 1 to 9 p.m., 5 days a week, they are flexible to cover such activities as school meetings, court appearances, and meetings with other youth-serving agencies. We feel that it is important for the Outreach Workers to have the major part of their time scheduled for late afternoon and early evenings so they will be available for the youths and their parents. They are supervised by the youth section commander, maintain daily

contact with the youth section, and attend all youth section staff meetings.

We feel that one of the most important roles of the Outreach Worker is to maintain a strong working relationship with other youth-serving agencies. Since many of the youths under the program have school adjustment problems, a good working relationship with the schools is essential.

If a youth becomes a ward of the juvenile court while under Outreach supervision, the worker may attend disposition hearings to offer assistance to the family and the court. On occasions the worker may offer a community-based program to the court. There are times when an Outreach Worker may refer a youth under his supervision to juvenile court in conjunction with a youth officer.

In times of tension in the community between youths and the police or when youth misbehavior is customarily high, such as Halloween, the Outreach Workers ride with youth officers or patrol an area on foot with a youth officer because of their knowledge, contacts, and friendship with many youths in the community.

A youth reporting for supervision checks in with Outreach secretary.



Presently, the Outreach Workers carry an average caseload of between 30 and 35 youths each. In a given year, they counsel between 80 to 100 youths. The most important factor in this number is that less than 9 percent of these youths have been recidivists, compared to a 40-percent recidivist rate for all youths having police contacts.

Facilities

When the first Outreach Worker was hired 6 years ago by the Evanston Youth Commission, he shared a small office with the truant officer from Evanston School District 65. After an additional worker was hired, we were in need of larger facilities for our program.

When two ministers of the First Baptist Church of Evanston heard of our program and the search for a larger facility, they contacted us. The church, one of Evanston's finer, older churches, had plenty of space in it which they felt would be appropriate for our program. After several meetings with us, the church made a proposal to their board of trustees which stated in part, "a program has developed that now includes two full time Youth Workers from the Police Staff. It is aimed at working with the child who gets into trouble, or is potentially headed that way. Through personal contacts with the child and his family, the Youth Worker is able to provide a positive adult relationship and helps the child resolve many of his problems. He works with both the child and his family, where possible. This process of continued personal contact provides someone for the child to turn to as a friend and a counselor, outside of his home, yet familiar with his environment. The program also includes group activities coordinated and supervised by adults. The program needs to be expanded, but is restrained by budget considerations,

"In a given year, they [Outreach Workers] counsel between 80 to 100 youths."

limited space and a central location to administer and carry out their work. This is where the Church comes in. Both Ministers have discussed this work with the leaders of the program and find that a portion of our building could be used to great advantage. Therefore, we are recommending that the Board move to work out an arrangement with the Youth Division of the Police Department to use our facilities."

The board approved the recommendation and offered to the police department, rent free, the lower level of the church, which included gameroom, furnished lounge, kitchen, room for study, office space large enough for a reception area, and three large offices, as well as use of the gymnasium. The police department accepted this offer and agreed to pay an annual fee for utilities and heat, remodel and deco-

rate the area to suit our needs, furnish custodial services, and assure that all programing and activity would be under adult supervision.

We concur strongly with the ministers' closing statement in their proposal. "It is the sincere belief of the Ministers that this would be a significant and vital contribution in meeting an important need in our community and is consistent with the ministry and mission of this Church."

The facilities meet a very definite need of our program. They are large enough for the program and for expansion, and the location is convenient to the police department building.

Community Cooperation

When Chief of Police William C. McHugh accepted the recommendation that the Outreach program be placed under the jurisdiction of the police department, he, at that time, envisioned the program's potential.

After we had remodeled the church facility and were well established,

Youths and Outreach Workers during recreation period.



Chief McHugh offered the chief judge of the Juvenile Court of Cook County office space for his three probation officers working the Evanston and north suburban area and the court accepted this offer. We now have three juvenile court probation officers working out of the Outreach office. Also, one night a week, a field worker from the Evanston Mental Health Office is there to offer assistance to youths and their families. And, one night a week we have the services of the chief psychiatric social worker from the Catherine Wright Clinic, Illinois Masonic Medical Center, and part-time at St. Francis Hospital in Evanston, and a psychologist in private practice affiliated with St. Francis Hospital to provide group therapy and individual counseling and therapy.

Also, a very important part of the program is weekly "rap sessions" with our workers and the director of the Adult and Child Guidance Clinic at St. Francis Hospital to discuss current cases for proper counseling, treatment, and disposition. All of these programs are provided at no cost to the police department.

In addition, this year the Juvenile Court of Cook County has offered to appoint our two Outreach Workers as "court designees." This program comes under the Illinois Unified Code of Corrections and provides legislative sanction for providing supervision, without probation staff involvement, to certain minors appearing before the juvenile court. It is with this in mind that the use of a court designee is viewed as an attempt to divert cases from the more formal supervision efforts of a court probation officer and provide community-based supervision and treatment via a court designee.

Summary

When Chief McHugh assumed jurisdiction and responsibility for the Outreach Worker Program, he be-


"... our Outreach Worker Program is an effective way to channel time and energy in doing something about delinquency. . . ."

lieved that it is at the preventive level, before many youngsters appear in juvenile court, that the energies of a community need to be directed. It is also at this level that new programs and approaches are necessary.

The Outreach Worker Program is an attempt by our police department to do something about juvenile delinquency at the community level. There are many services for youths in trouble throughout the city and State—police, juvenile courts, schools, social agencies, churches, and civic groups—but they often function in an uncoordinated, separatist manner, and the youth of a community and the community itself suffer because of it.

It is our belief that our Outreach Worker Program is an effective way to channel time and energy in doing something about delinquency, and that a police department can be instrumental in coordinating community services, improving the individual's environment, and helping the individual to adjust and develop normally within his environment.

We are certain that our Outreach Worker Program and our Police-School Liaison Program have combined to have a positive impact on our juvenile delinquency rate which, except for 1 year, has shown a decrease since 1969.

In summary, we believe juvenile delinquency has long been one of the greatest single crime problems confronting law enforcement authorities. Its ultimate solution will depend upon the judicious and intelligent handling of delinquents by police officers. The Outreach Worker Program is committed to this goal. 

Bomb Summary-1974 UCR Booklet BOMBINGS

During 1974, 73 percent of all bombing incidents throughout the United States and Puerto Rico occurred between 6:01 p.m. and 6 a.m. Between 6:01 p.m. and midnight, 775 incidents occurred, and 718 occurred between 12:01 a.m. and 6 a.m.

Monday had the highest frequency of bombing incidents with 326, while Saturday had the lowest with 263.

The total value of property damaged due to bombing incidents throughout the United States and Puerto Rico during 1974 was \$9,886,563. Explosive bombs resulted in \$6,653,434 damage while incendiary devices caused \$3,233,129 damage.

PHOTOGRAPHIC UNIT

(Continued from page 27)

cient, high quality police and forensic photography can provide.


The old adage that "a picture is worth a thousand words" definitely has great significance when placed in the context of a jury room.

FOOTNOTE

¹ Sonia W. Stern, Technical Photography (Hempstead, N.Y., ptn Publishing Corp., vol. 6, No. 8, Aug. 1974, p. 1).

REFERENCES

Listed below are a few indepth references, published by Eastman Kodak Co., Rochester, N.Y. 14650, that may be of help to a police administrator considering establishing an internal photographic unit. This is by no means a comprehensive list and is set forth only to establish a starting point.

Setting Up a Small Law-Enforcement Photography Department: Kodak pamphlet No. M-19.
Trade Schools and Colleges Offering Photography Courses: Kodak pamphlet No. AT-17.
Photolab Design: Kodak publication No. K-13.
Basic Police Photography: Kodak publication No. M-7.
Index of Kodak Information: Kodak Publication No. L-5. 

WANTED BY THE FBI



Photos taken 1963.

RICHARD ALPHONSO BOONE, also known as **Prophet Boone**,
Reverend Richard Boone

Interstate Flight—Murder

Richard Alphonso Boone is being sought by the FBI for unlawful interstate flight to avoid prosecution for murder.

The Crime

On May 4, 1970, Boone, who allegedly dresses as a female at times, reportedly shot and killed a 13-year-old boy in Detroit, Mich. A Federal warrant was issued for his arrest on March 22, 1971, at Detroit.

Description

Age----- 47, born Oct. 27,
1927, Detroit,
Mich. (not sup-



Left thumbprint.

	ported by birth records).
Height-----	5 feet 6 inches to 5 feet 7 inches.
Weight-----	150 pounds.
Build-----	Medium.
Hair-----	Black.
Eyes-----	Brown.
Complexion---	Medium.
Race-----	Negro.
Nationality---	American.

Remarks----- He reportedly must wear glasses, and his left eye appears to have a tendency to cross.

Scars and marks----- V-shaped scar on right forearm, scar on side of right little finger.

Occupations--- Laborer, minister, and nursing home aide.

Social Security No. used----- 367-26-5816.

FBI No----- 971,043 A.

Fingerprint classification: 5 I 5 U III 4
O 17 U III

Ref: 13
17

NCIC classification:
PI 05 04 13 04 PO 05 03 11 05

Caution

Boone, who has been convicted of sodomy and felonious assault, should be considered armed and very dangerous.

Notify the FBI

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

*Voluntary filler credited
Training Division 5/28/75*
WOMEN IN POLICING

SEMINAR

The first national seminar on Women in Policing was held the week of May 5-9, 1975, at the FBI Academy, Quantico, Va. The seminar was hosted by the Management Science Unit of the FBI Training Division and addressed the challenge to the police manager that is presented by this current issue.

The 49 participants in the seminar represent police agencies in 30 different States. Most of the individuals attending were either directors of personnel or training in their departments.

Guest lecturers from the police community addressed the issues of women on patrol, assignment and promotion of women, and the difficulties in acceptance encountered from the community, policemen themselves, and their wives. A thorough review of the current legal situation, including the most recent court decisions, was also a part of the seminar.

Shown are representatives of police agencies throughout the country and the FBI who participated in the seminar on Women in Policing.



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THIRD CLASS



INTERESTING PATTERN

This pattern is very interesting and the ridge formation most unusual. Close analysis reveals that the ridges enter on each side, converge in the center, and continue out the top of the finger. This pattern is classified as a tented arch.